

April 11, 2024, MINUTES

Equipment, Tourism, State Street Aid, Insurance, ARPA, ADA, CIP Funds Workshop Minutes

Staff presented the proposed budgets for the following funds: Equipment, Tourism, State Street Aid, Insurance, ARPA, ADA, Capital Investment Program.

BMA MEETING MINUTES

Roll Call

Mayor Williams called the meeting to order at 6:00 PM. Roll Call for attendance: Alderman Burnette, yes; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, yes; Mayor Williams, yes; In addition to staff and member of the press.

Approval of Agenda

Motion was made to approve the agenda as presented. Moved by Vice-Mayor Povlin, seconded by Alderman Meyer; Roll call vote: Alderman Burnette, yes; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, no; Mayor Williams, yes; motion passed.

Approval of Minutes

Motion was made to approve the minutes of March 28, 2024, as presented. Moved by Alderman Meyer, seconded by Vice-Mayor Povlin; voting yes, Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer, and White; no nays; motion passed.

Motion was made to approve the minutes of the special called meeting of April 3, 2024, as presented. Moved by Alderman Meyer, seconded by Vice-Mayor Povlin; Roll call vote: Alderman Burnette, yes; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, no; Mayor Williams, yes; motion passed.

Mayor's Report

Arbor Day Proclamation, Ashley-Kite Rowland - Tennessee Urban/Community Forestry Program Coordinator presented the Tree City USA plaque.

Resolutions & Ordinances

Resolutions

Approval of motion to rescind the March 28, 2024, Farragut Board of Mayor and Aldermen vote denying Resolution R-2024-02, a resolution approving the original Knox County Growth Policy Plan as amended by the recommended changes approved by the Knox County Growth Policy Coordinating committee at its meeting on January 10, 2024.

Motion was made to rescind the March 28, 2024, Farragut Board of Mayor and Aldermen vote denying the Resolution R-2024-02, a resolution approve the original Knox County Growth Policy Plan as amended by the recommended changes approved by the Knox County Growth Policy Coordinating committee at its meeting January 10, 2024. Moved by Alderman Meyer, seconded by Vice-Mayor Povlin. The following citizens spoke on the agenda item:

Gerald Thornton, 413 Sugarwood Dr
Daniel Sanders, 920 Volunteer Landing
Adam Atherton, 801 Andover Blvd.
Michael Wilson, 412 Eisenhower Street
Eric Johnson, 405 Harrow Road
Mike Mitchell, 716 Brixworth Blvd
Bill Johns, 509 Sundown

After much discussion a roll call vote was taken. Roll call vote: Alderman Burnette, no; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, no; Mayor Williams, yes; motion passed.

Renewal of motion to approve Resolution R-2024-02, a resolution approving the original Knox County Growth Policy Plan as amended by the recommended changes approved by the Knox County Growth Policy Coordinating committee at its meeting on January 10, 2024.

Renewal of motion to approve Resolution R-2024-02: a resolution approving the original Knox County Growth Policy Plan as amended by the recommended changes approved by the Knox County Growth Policy Coordinating Committee at its meeting on January 10, 2024. Moved by Alderman Meyer, seconded by Vice-Mayor Povlin. The following citizens spoke on the agenda item:

Daniel Sanders, 920 Volunteer Landing
Bob Cross, 425 Heathermore Dr
Michael Wilson, 412 Eisenhower Street
Mike Mitchell, 716 Brixworth Blvd

After much discussion a roll call vote was taken. Roll call vote: Alderman Burnette, no; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, no; Mayor Williams, yes; motion passed.

Recess was taken at 7:03 PM

Board meeting reconvened at 7:10 PM

Approval of Resolution R-2024-05, Termination of Farragut Supplemental Retirement Plan

Motion was made to approve Resolution R-2024-05, Termination of Farragut Supplemental Retirement Plan. Moved by Alderman Meyer, seconded by Vice-Mayor Povlin; Roll call vote: Alderman Burnette, yes; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, yes; Mayor Williams, yes; motion passed.

Ordinances

Public Hearing and Second Reading

Ordinance 24-01, an ordinance to amend the definition of a Public Tree and a Street Tree, as provided for in the Town of Farragut Public Tree Care Ordinance

Motion was made to approve Ordinance 24-01 on second and final reading. Moved by Vice-Mayor Povlin, seconded by Alderman Meyer. Gerald Thronton, 413 Sugarwood Drive, spoke on this agenda item. Roll call vote: Alderman Burnette, yes; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, yes; Mayor Williams, yes; motion passed.

Ordinance 24-04, Ordinance to amend the General Fund, Insurance Fund, Capital Investment Program and Tourism Budget for FY23-24, passed by Ordinance 23-07

Motion was made to approve Ordinance 24-04 on second and final reading. Moved by Vice-Mayor Povlin, seconded by Alderman Meyer; Roll call vote: Alderman Burnette, yes; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, yes; Mayor Williams, yes; motion passed.

Ordinance 24-05, Ordinance to amend Chapter 2, Administration, Article 6, Finance, Section 2-267 Depository of Town Funds, of the Farragut Municipal Code

Motion was made to approve Ordinance 24-05 on second and final reading. Moved by Alderman Meyer, seconded by Vice-Mayor Povlin; Roll call vote: Alderman Burnette, yes; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, yes; Mayor Williams, yes; motion passed.

Business Items

Approval of acceptance agreement with Midland National Life Insurance Company for a group annuity contract for the Town of Farragut supplemental retirement plan, to annuitize the plan participants in accordance with the plan's termination.

Motion was made to approve the acceptance agreement with Midland National Life Insurance Company for a group annuity for the Town of Farragut supplemental retirement plan, to annuitize the plan participants in accordance with the plan's termination for a total amount of \$399,800 plus \$150 processing fee. Moved by Alderman Meyer, seconded by Alderman White; voting yes, Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer, and White; no nays; motion passed.

Approval of Bids for Contract 2025-01, Annual On-Call Road Maintenance

Motion was made to approve Contract 2025-01 for Pavement Restorations, Inc. Moved by Alderman Meyer, seconded by Alderman White; voting yes, Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer, and White; no nays; motion passed.

Approval of Bids for Contract 2024-14, Installation of Flashing Warning Beacon at the Intersection of Everett Road and Union Road.

Motion was made to approve Contract 2024-14 to Stansell Electric Company, Inc. in the amount of \$35,450. Moved by Alderman White, seconded by Alderman Meyer; voting yes,

Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer, and White; no nays; motion passed.

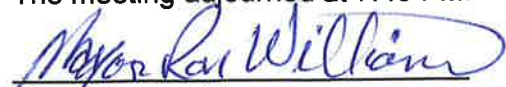
Citizens Forum

The following citizens spoke during citizens forum:

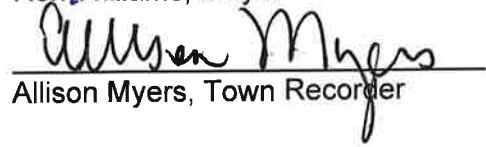
Adam Atherton, 801 Andover Blvd.

Joey Ruffalo, 11319 Campbell Lakes Dr #431

The meeting adjourned at 7:48 PM.



Ron Williams, Mayor



Allison Myers, Town Recorder



FARRAGUT BOARD OF MAYOR AND ALDERMEN
Farragut Community Center
239 Jamestowne Blvd

AGENDA
April 11, 2024

WORKSHOP
5:15 PM

**Equipment, Tourism, State Street Aid, Insurance, ARPA, ADA, CIP
Funds Workshop**

BMA MEETING
6:00 PM

- I. Roll Call**
- II. Approval of Agenda**
- III. Approval of Minutes**
 - A. March 28, 2024**
 - B. April 3, 2024**
- IV. Mayor's Report**
 - A. Arbor Day Proclamation**
- V. Resolutions & Ordinances**
 - A. Resolutions**
 - 1.** Approval of motion to rescind the March 28, 2024, Farragut Board of Mayor and Aldermen vote denying Resolution R-2024-02, a resolution approving the original Knox County Growth Policy Plan as amended by the recommended changes approved by the Knox County Growth Policy Coordinating committee at its meeting on January 10, 2024.
 - 2.** Renewal of motion to approve Resolution R-2024-02, a resolution approving the original Knox County Growth Policy Plan as amended by

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It is the policy of the Town of Farragut not to discriminate on the basis of race, color, natural origin, gender, gender identity, sexual orientation, age, religion, disability or veteran status pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting

the recommended changes approved by the Knox County Growth Policy Coordinating committee at its meeting on January 10, 2024.

3. Approval of Resolution R-2024-05, Termination of Farragut Supplemental Retirement Plan

B. Ordinances

1. Public Hearing and Second Reading

- a) **Ordinance 24-01**, an ordinance to amend the definition of a Public Tree and a Street Tree, as provided for in the Town of Farragut Public Tree Care Ordinance
- b) **Ordinance 24-04**, Ordinance to amend the General Fund, Insurance Fund, Capital Investment Program and Tourism Budget for FY23-24, passed by Ordinance 23-07
- c) **Ordinance 24-05**, Ordinance to amend Chapter 2, Administration, Article 6, Finance, Section 2-267 Depository of Town Funds, of the Farragut Municipal Code

VI. Business Items

- A. Approval of acceptance agreement with Midland National Life Insurance Company for a group annuity contract for the Town of Farragut supplemental retirement plan, to annuitize the plan participants in accordance with the plan's termination.
- B. Approval of Bids for Contract 2025-01, Annual On-Call Road Maintenance
- C. Approval of Bids for Contract 2024-14, Installation of Flashing Warning Beacon at the Intersection of Everett Road and Union Road.

VII. Citizens Forum

VIII. Town Administrator's Report

IX. Town Attorney's Report

The Board of Mayor and Aldermen welcomes and invites Farragut residents to participate in public meetings.

Public Participation Guidelines for Farragut Board of Mayor and Aldermen meetings

At the end of each business meeting, there will be time reserved for public comment under the Citizen Forum agenda item. If you are interested in speaking, please fill out a blue comment card and turn it in to the Town Recorder or staff member. This time is set aside specifically for comments on items that are not on the Board of Mayor and Aldermen regular agenda for the meeting. Each speaker will be given five (5) minutes to speak on his/her topic.

The Board also seeks public comment on regular agenda items during the portion of the meeting devoted to discussion and consideration of the specific agenda item.

The Mayor may recognize individuals for public comment during both the regular agenda and Citizen Forum portions of the meeting based on the following guidelines.

1. The Mayor shall maintain and control the meeting to provide a professional and objective environment conducive to presentation and discussion of the agenda items;
2. Any Farragut resident interested in speaking should fill out a blue comment card stating which agenda item they would like to comment on and turn it in to the Town Recorder or a staff member;
3. Speakers shall come to the podium and identify themselves by name and street address;
4. Public comment shall be limited to five (5) minutes per individual. Time for public comment may be amended at the discretion of the Mayor; provided that when additional time is allowed, speakers with differing points of views are allowed the same amount of time if requested. Time is not transferable to other speakers;
5. Speakers should strive to avoid redundancy; different considerations than expressed by previous speakers on a subject are encouraged;
6. Comments that threaten violence or imminent physical harm toward any individual will not be tolerated.
7. Comments may support or oppose issues or measures;
8. Personal attacks on the character of individuals who hold different points of view that have no relationship to the merits of the matter or issue raised for discussion will not be tolerated.
9. An applicant, and/or their representative(s), for an item on the regular agenda shall be afforded the time necessary to present their request and respond to questions. The five (5) minute limitation shall not apply. However, the Mayor may ask an applicant to stay on point in order to facilitate the efficiency of the meeting.

Each speaker will be asked if they can agree to abide by the Comment Protocol. If so, please be prepared to speak when your name is called.

Tennessee Code Annotated 39-17-306. Disrupting meetings or processions.

- (a) A person commits an offense if, with the intent to prevent or disrupt a lawful meeting, procession, or gathering, the person substantially obstructs or interferes with the meeting, procession, or gathering by physical action or verbal utterance.
- (b) A violation of this section is a Class A misdemeanor.

March 28, 2024

CAPITAL INVESTMENT PROGRAM WORKSHOP MINUTES

Staff presented the current Capital Investment Program 5-year plan and optional items that have not yet been funded.

BMA MEETING MINUTES

Roll Call

Mayor Williams called the meeting to order at 6:00 PM. Roll Call for attendance: Alderman Burnette, yes; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, yes; Mayor Williams, yes; In addition to staff and member of the press.

Approval of Agenda

Motion was made to approve the agenda as presented. Moved by Vice-Mayor Povlin, seconded by Alderman Burnette; voting yes, Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer, and White; no nays; motion passed.

Approval of Minutes

Motion was made to approve the minutes of February 22, 2024, as presented. Moved by Vice-Mayor Povlin, seconded by Alderman Meyer; voting yes, Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer, and White; no nays; motion passed.

Resolutions & Ordinances

Resolutions

Approval of Resolution R-2024-02, a resolution approving the original Knox County Growth Policy Plan as amended by the recommended changes approved by the Knox County Growth Policy Coordinating Committee at its meeting on January 10, 2024.

Motion was made to approve Resolution R-2024-02, the original Knox County Growth Policy Plan as amended by the recommended changes approved by the Knox County Growth Policy. Moved by Alderman Meyer, seconded by Vice-Mayor Povlin.

The following citizens spoke on the agenda item:

Lawrence Segrest, 12103 Valley Trail
Gerald Thornton, 413 Sugarwood Drive
Alex Cain, 524 Wyndam Hall Lane
Michael Wilson, 412 Eisenhower Street
Daniel Sanders, 920 Volunteer Landing
Mike Mitchell, 716 Brixworth
Matthew Parsons, 11916 W. Kingsgate

After much discussion a roll call vote was taken; Alderman Burnette, no; Alderman Meyer, no; Alderman White, no; Vice-Mayor Povlin, yes; mayor Willaims, yes; motion failed.

The board recessed at 7:20 and reconvened at 7:30.

Approval of Resolution R-2024-03, Municipal Banking Services

Motion was made to approve Resolution R-2024-03, Municipal Banking Service with TNBank. Moved by Alderman Meyer, seconded by Alderman Burnette; Roll call vote: Alderman Burnette, yes; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, yes; Mayor Williams, yes; motion passed.

Approval of Resolution R-2024-04, a Resolution adopting the FY2024-2025 Town of Farragut Strategic Plan

Motion was made to approve Resolution R-2024-04, adopting the FY2024-2025 Town of Farragut Strategic Plan. Moved by Alderman Meyer, seconded by Mayor Williams; Roll call vote: Alderman Burnette, yes; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, yes; Mayor Williams, yes; motion passed.

Ordinances

Public Hearing and Second Reading

Ordinance 24-03, Ordinance to amend the General Fund Budget and Capital Investment Program Budget for FY23-24, passed by Ordinance 23-07

Motion was made to approve Ordinance 24-03 on second and final reading. Moved by Alderman Meyer, seconded by Alderman Burnette; Roll call vote: Alderman Burnette, yes; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, yes; Mayor Williams, yes; motion passed.

First Reading

Ordinance 24-01, an ordinance to amend the definition of a Public Tree and a Street Tree, as provided for in the Town of Farragut Public Tree Care Ordinance

Motion was made to approve Ordinance 24-01 on first reading. Moved by Vice-Mayor Povlin, seconded by Alderman Meyer; Roll call vote: Alderman Burnette, yes; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, yes; Mayor Williams, yes; motion passed.

Ordinance 24-04, Ordinance to amend the General Fund, Insurance Fund, Capital Investment Program and Tourism Budget for FY23-24, passed by Ordinance 23-07

Motion was made to approve Ordinance 24-04 on first reading. Moved by Vice-Mayor Povlin, seconded by Alderman Meyer; Roll call vote: Alderman Burnette, yes; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, yes; Mayor Williams, yes; motion passed.

Ordinance 24-05, Ordinance to amend Chapter 2, Administration, Article 6, Finance, Section 2-267 Depository of Town Funds, of the Farragut Municipal Code

Motion was made to approve Ordinance 24-05 on first reading. Moved by Vice-Mayor Povlin, seconded by Alderman Meyer; Roll call vote: Alderman Burnette, yes; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, yes; Mayor Williams, yes; motion passed.

Business Items

Approval of Contract for Wayfinding Sign Program Development

Motion was made to approve the contract with Guide Desing Studio for Phase 2-Wayfinding Sign Program Development in the amount of \$37,520. Moved by Vice-Mayor Povlin, seconded by Alderman Burnette; voting yes, Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer, and White; no nays; motion passed.

Approval of Bids and Award of Contract 2024-12, Mid-Block Pedestrian Crossings

Motion was made to approve Contract 2024-12 with Stansell Electric Company, Inc. in the amount of \$291,581.49. Moved by Alderman Meyer, seconded by Alderman White; voting yes, Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer, and White; no nays; motion passed.

Approval of Bids and Award of Contract 2024-13, Installation of Decorative Street Lighting for Brooklawn Street

Motion was made to approve Contract 2024-13 with Progression Electric, LLC. In the amount of \$226,486. Moved by Alderman Meyer, seconded by Alderman White; voting yes, Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer, and White; no nays; motion passed.

Approval of Request for Supplement from JMT, Inc. for Additional Right of Way Acquisition Services for Union Road Improvements Project

Motion was made to approve the supplement from JMT, Inc. for additional Right of Way acquisition services for the Union Road project for an additional \$34,000 and a not to exceed fee of \$271,735. Moved by Alderman Meyer, seconded by Vice-Mayor Povlin; voting yes, Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer, and White; no nays; motion passed.

Approval of Board of Mayor and Aldermen meeting participation guidelines

Motion was made to approve the suggested public comment guidelines for the Town of Farragut Board of Mayor and Aldermen meetings. Moved by Alderman Meyer, seconded by Vice-Mayor Povlin; voting yes, Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer, and White; no nays; motion passed.

Town Administrator's Report

David Smoak, Town Administrator, announced that the there would be a special called Board of Mayor and Aldermen meeting on Wednesday, April 3, 2024, at 5:00 PM followed by a Capital Investment Program workshop.

Alderman White left at 8:15 PM.

The meeting adjourned at 8:23 PM.

Ron Williams, Mayor

Allison Myers, Town Recorder

April 3, 2024

SPECIAL CALLED BMA MEETING MINUTES

Roll Call

Mayor Williams called the meeting to order at 5:15 PM. Roll Call for attendance: Alderman Burnette, yes; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, yes; Mayor Williams, yes; In addition to staff and member of the press.

Approval of Agenda

Motion was made to approve the agenda as presented. Moved by Alderman Meyer, seconded by Vice-Mayor Povlin; voting yes, Mayor Williams, Vice-Mayor Povlin, Aldermen Burnette, Meyer, and White; no nays; motion passed.

Business Item

Meeting to consider a statement of objectives, and reasons therefore regarding Resolution R-2024-02, as required by Tennessee Code Annotated § 6-58-104 (b)(1), in the vote to reject the recommended changes to the existing Knox County Growth Policy Plan that were proposed by the Knox County Growth Policy Coordinating Committee at said committee meeting on January 10, 2024

Alderman White asked for a point of order. Mayor Williams refused the point of order.

Alderman White asked for a point of order before the discussion takes place. Mayor Williams asked that the item be presented.

Alderman White asked for a point of order on the agenda.

The following citizens spoke on the agenda item:

Michael Wilson, 412 Eisenhower Street

Mike Mitchell, 716 Brixworth

Daniel Sanders, 920 Volunteer Blvd.

Laurence Segrest, 12103 Valley Trail

Eric Johnson, 405 Harrow Rd

Mike Arms, 201 Ivy Gate

Motion was made to request that at the April 11, 2024, Board of Mayor and Aldermen meeting, to place on the agenda a motion both to resend the March 28th Board of Mayor and Aldermen vote denying Resolution R-2024-02, and to renew or reconsider the motion made to approve Resolution R-2024-02 which would amend the Knox County Growth Policy Plan as recommended by the Growth Policy Plan Committee on January 10, 2024. Moved by Alderman Meyer, seconded by Mayor Williams. Alderman White left the meeting prior to the roll call vote. Roll call vote: Alderman Burnette, pass; Alderman Meyer, yes; Vice-Mayor Povlin, yes; Alderman White, absent; Mayor Williams, yes; motion passed.

The meeting adjourned at 6:15 PM.

Ron Williams, Mayor

Allison Myers, Town Recorder

WORKSHOP MINUTES
Capital Investment Program Workshop

Staff reviewed updated estimates of various projects and reviewed suggested CIP projects for the 5-year plan.



ARBOR DAY PROCLAMATION

WHEREAS in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, *and*

WHEREAS this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, *and*

WHEREAS Arbor Day is now observed throughout the nation and the world, *and*

WHEREAS trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, *and*

WHEREAS trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, *and*

WHEREAS trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community, *and*

WHEREAS trees — wherever they are planted — are a source of joy and spiritual renewal, *and*

WHEREAS on February 9, 2024, the Town of Farragut was named a 2023 Tree City USA, *and*

WHEREAS on April 11, 2024, a tree was planted on the Farragut Community Center property to represent the Town's initial year of being a Tree City USA, *and*

WHEREAS on April 11, 2024, a plaque recognizing the Town of Farragut as a Tree City USA was presented to the Board of Mayor and Aldermen by the State of Tennessee Urban & Community Forestry Program Coordinator, Ashley Kite-Rowland,

NOW, THEREFORE, I, Ron Williams, Mayor of the Town of Farragut, do hereby proclaim, consistent with the State of Tennessee Arbor Day recognition, Thursday, April 11, 2024, as **ARBOR DAY** in the Town of Farragut, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, *and*

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED THIS 11th day of April 2024

Mayor Ron Williams

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: David Smoak, Town Administrator

SUBJECT: Approval of motion to rescind the March 28, 2024, Farragut Board of Mayor and Aldermen vote denying Resolution R-2024-02, a resolution approving the original Knox County Growth Policy Plan as amended by the recommended changes approved by the Knox County Growth Policy Coordinating committee at its meeting on January 10, 2024

INTRODUCTION: The purpose of this agenda item is to rescind the March 28, 2024, vote denying Resolution R-2024-02: a resolution to amend the Growth Policy Plan between Knox County, the Town of Farragut and City of Knoxville

DISCUSSION: The Farragut Board of Mayor and Aldermen denied approval of Resolution R-2024-02 on March 28, 2024. Subsequently, a special called meeting of the Board of Mayor and Aldermen was called on April 3, 2024, for the purpose of carrying out the Town’s statutory obligation to formulate a statement of objections to the amendments and the objecting Aldermen’s reasons for objecting, so that the objections could be communicated to the City of Knoxville and Knox County. At the meeting Alderman Meyer expressed his desire and intent to change his negative vote on the March 28 action to an affirmative vote, and upon his request the Board voted to put on the agenda for April 11, 2024, a motion to rescind the March 28, 2024 vote denying Resolution R-2024-02 and a renewal of the motion to approve Resolution R-2024-02.

PROPOSED MOTION: Approval of motion to rescind the March 28, 2024, Farragut Board of Mayor and Aldermen vote denying Resolution R-2024-02, a resolution approving the original Knox County Growth Policy Plan as amended by the recommended changes approved by the Knox County Growth Policy Coordinating committee at its meeting on January 10, 2024

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

VOTE/TOTAL	WHITE	MEYER	WILLIAMS	POVLIN	BURNETTE
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: David Smoak, Town Administrator

SUBJECT: Renewal of motion to approve Resolution R-2024-02: a resolution approving the original Knox County Growth Policy Plan as amended by the recommended changes approved by the Knox County Growth Policy Coordinating committee at its meeting on January 10, 2024

INTRODUCTION: The purpose of this agenda item is to renew the motion to approve Resolution R-2024-02: a resolution to amend the Growth Policy Plan between Knox County, the Town of Farragut and City of Knoxville

BACKGROUND: The Tennessee General Assembly approved Public Chapter 1101 in 1998. This Act established that each county in Tennessee reach agreement with all the municipalities within their boundaries in developing a growth policy plan. That plan developed "Urban Growth Boundaries" for future annexation for both the City of Knoxville and Town of Farragut, and land use designations of "Planned Growth" and "Rural" for future growth throughout unincorporated Knox County.

DISCUSSION: The Knox County Growth plan had not been amended since its inception in 2001. In accordance with TCA 6-58-104(d)(1), Knox County Mayor Glenn Jacobs sent notice on August 18, 2023, that he would reconvene the Growth Policy Coordinating Committee to consider an amendment to the Knox County Growth Plan. The Growth Policy Committee held four public meetings to consider amendments to the plan, and at the January 10, 2024, meeting recommended approval of text amendments and a map amendment to the Knox County Commission, Farragut Board of Mayor and Aldermen and the Knoxville City Council (see attached).

In order for the growth policy plan amendments to take effect, the Knox County Commission, Knoxville City Council and Farragut Board of Mayor and Aldermen must approve the proposed amendments from the Growth Policy Committee. On February 26, 2024, the Knox County Commission voted to approve the proposed amendments to the Growth Policy Plan and on March 5, 2024, the Knoxville City Council also voted to approve the same amendments.

The Farragut Board of Mayor and Aldermen initially denied approval of Resolution R-2024-02 on March 28, 2024. Subsequently, a special called meeting of the Board of Mayor and Aldermen was called on April 3, 2024, for the purpose of carrying out the Town's statutory obligation to formulate a statement of objections to the amendments and the objecting Aldermen's reasons for objecting, so that the objections could be communicated to the City of Knoxville and Knox County. At the meeting Alderman Meyer expressed his desire and intent to change his negative vote on the March 28 action to an affirmative vote, and upon his request the Board voted to put on the agenda for April 11, 2024, a motion to rescind the March 28, 2024 vote denying Resolution R-2024-02 and a renewal of the motion to approve Resolution R-2024-02.

PROPOSED MOTION: Renewal of motion to approve Resolution R-2024-02: a resolution approving the original Knox County Growth Policy Plan as amended by the recommended changes approved by the Knox County Growth Policy Coordinating committee at its meeting on January 10, 2024

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

<u>VOTE/TOTAL</u>	<u>WHITE</u>	<u>MEYER</u>	<u>WILLIAMS</u>	<u>POVLIN</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



TOWN OF FARRAGUT

RESOLUTION R-2024-02

RESOLUTION APPROVING THE ORIGINAL KNOX COUNTY GROWTH POLICY PLAN AS AMENDED BY THE RECOMMENDED CHANGES APPROVED BY THE KNOX COUNTY GROWTH POLICY COORDINATING COMMITTEE AT ITS MEETING ON JANUARY 10, 2024

WHEREAS, in 1998, the Tennessee General Assembly enacted comprehensive growth policy planning legislation, codified at T.C.A. § 6-58-101 et.seq.; and

WHEREAS, pursuant to T.C.A. § 6-58-104, the Knox County Growth Policy Coordinating Committee (“Coordinating Committee”) was formed in 1998 to develop and recommend a local comprehensive growth policy plan for Knox County, the City of Knoxville and the Town of Farragut; and

WHEREAS, the Coordinating Committee submitted its recommended growth plan, dated January 12, 2000 (the “Plan”), to the Knox County Commission, Knoxville City Council and Farragut Board of Mayor and Aldermen for ratification; and

WHEREAS, in 2001, the Plan was approved by Knox County, the City of Knoxville and the Town of Farragut; and

WHEREAS, T.C.A. § 6-58-104(d)(1) allows counties and cities to amend their growth plans; and

WHEREAS, in accordance with T.C.A. § 6-58-104(d)(1), Knox County Mayor Glenn Jacobs sent notice on August 18, 2023 that he would reconvene or reestablish the Coordinating Committee to consider an amendment to the Plan; and

WHEREAS, Knox County began the process of its first comprehensive transportation and land use plan in 2021; and

WHEREAS, Knox County and Knoxville-Knox County Planning have acknowledged that there have been changed conditions requiring an amendment so as to remove obstacles to smart growth and planning; and

WHEREAS, during the development of the comprehensive plan, areas for growth and preservation were identified; and

WHEREAS, the amendment proposed by the Mayor of Knox County, and recommended by the Growth Policy Coordinating Committee, will allow Knox County to prepare for growth in areas where infrastructure is provided or planned for; and

WHEREAS, the amendment proposed, if approved, will not be effective until May 1, 2024; and

WHEREAS, the Coordinating Committee held four (4) public meetings on the following dates: October 24, 2023; November 27, 2023; December 19, 2023; and January 10, 2024; and

WHEREAS, at the January 10, 2024, meeting, the Coordinating Committee recommended to the Knox County Commission, Knoxville City Council and Farragut Board of Mayor and Aldermen the Plan be amended and reinstated as set forth in Exhibit A; and

WHEREAS, on February 26, 2024, the Knox County Commission adopted Resolution R-24-2-901 which amends and reinstates the Plan with amendments consistent with the Coordinating Committee's recommendations, on the condition of approval from the Knoxville City Council and Farragut Board of Mayor and Aldermen; and

WHEREAS, on May 5, 2024, the Knoxville City Council adopted Resolution R-84-2024, which approved the Plan amendments as recommended by the Growth Policy Coordinating Committee.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT:

SECTION 1: The Town of Farragut Board of Mayor and Aldermen hereby approves the Knox County Growth Policy Plan as amended by the recommended provisions as shown on the attached Exhibit A, which includes revised Appendix D and the revised Growth Policy Map.

SECTION 2: Pursuant to T.C.A. § 6-58-104(d), these amendments shall become part of the Plan only after it has been approved by the Knox County Commission, the City of Knoxville City Council, the Town of Farragut Board of Mayor and Aldermen, and the Local Government Planning Advisory Committee.

SECTION 3: This Resolution shall take effect from and after its passage, the welfare of the Town of Farragut requiring it.

This Resolution is duly adopted by the Board of Mayor and Aldermen of the Town of Farragut on this 28th day of March 2024.

Ron Williams, Mayor

Allison Myers, Town Recorder

EXHIBIT A

Under *Section 1, Recommended Growth Plan, Growth Policy Map, Policies, and Other Recommendations* on page 5, 6, 7, and 8 of the Growth Policy Plan, the Knox County Commission amends and reinstates the Plan as follows:

Under Recommended Growth Plan:

Knox County embarked on a two-year process to create an integrated land use and transportation plan for the unincorporated county in 2021. The resulting future land use plan and the designation of rural and planned growth areas included in this growth plan was formed through careful consideration of citizens, community groups and businesspeople. It was based on existing conditions and infrastructure, trends in land use, population, and the natural environment; and input by the citizens and detailed testimony by a wide variety of governmental service providers, including city and county departments, utility districts, emergency services and the school board.

The updated rural and planned growth areas presented in this plan, as well as the policies that guide development within these areas update the existing growth plan, originally developed in 2001. Terminology has been updated to refer to ‘placetypes’ which are the unit of land use categorization used in the Comprehensive Land Use and Transportation Plan. No recommended updates were made to any urban growth boundaries which surround the Town of Farragut or the City of Knoxville.

This section contains the policy recommendations of the coordinating committee; in addition to recommendations from the Knox County Comprehensive Plan, presented in written and graphic form. The remaining sections of the document provide background information used to develop the plan.

Under Growth Policy Map:

The Growth Policy Map (follows page 6) shows the recommended Rural and Planned Growth Areas for unincorporated portions of Knox County and Urban Growth Boundaries for Farragut and Knoxville. Knoxville’s Urban Growth Boundary contains 40.87 square miles; Farragut’s Urban Growth Boundary contains 0.80 square mile; the Planned Growth Area contains 151.34 square miles; and the Rural Area contains 201.38 square miles (see Appendix D for more details and percentages).

Under Policies:

Amend and Replace Number 3 with the text below:

Rezoning of slopes shall be based on the adopted policies of each legislative body.

Amend and Replace Number 4 with the text to read as follows:

The following policies shall apply to the Rural Area

The Knox County Zoning Ordinance and Zoning Map shall determine land uses permitted in the Rural Area. The rural designation shall not impede the right of a property owner to use or develop the property for a purpose permitted by that property's zoning. A land use listed in the Zoning Ordinance as a "use on review" may be approved by the Planning Commission if they find that the proposed development complies with all applicable standards in the ordinance.

Rezonings within the Rural area shall be limited to zoning districts that are consistent with the following placetypes: Rural Crossroads, Rural Conservation, and Rural Living and be consistent with the adopted comprehensive land use and transportation plan. (See placetypes in Appendix).

Residential development in the rural area shall be limited to all of the following conditions: (a) no more than 2 dwelling units per acre; and (b) sanitary sewer, or a sewage system approved and maintained by a public utility company and public water must be available; and (c) must be on a collector road with a minimum width of 18ft pavement, or with an approved memorandum of understanding in place to improve the road to 18 ft or greater through the rural area to the adjacent Planned Growth or Urban Growth area, and as defined in the Major Road Plan or superseding documents, adopted by City Council and County Commission. The intent of this section is to allow residential development into rural areas where utilities and infrastructure are currently available, or able to be expanded and in accordance with the Rural placetypes.

Land within the Rural area may not be rezoned for business parks or industry, according to the Rural placetypes and standards.

As of the effective date of this plan, all previously approved densities in the Rural Area shall remain in effect and are subject to all plans, regulations, and/or conditions of their approval.

Amend and Replace Number 5 with the text to read as follows:

In Planned Growth Areas, the following policies shall apply:

The purposes of the Planned Growth Area designation are to encourage a reasonably compact pattern of development, promote expansion of the Knox County economy, offer a wide range of housing choices, and coordinate the action of the public and private sectors, particularly with regard to provision of adequate roads, utilities, schools, drainage and other public facilities and services.

Planned Growth Areas may include any land use or development permitted by the Knox County Zoning Ordinance.

Rezoning in the Planned Growth Area shall be consistent with the adopted land use map and comprehensive plan adopted by the Knoxville- Knox County Planning Commission and legislative bodies.

After receiving a recommendation from the Knoxville- Planning Commission, County Commission may amend the land use map and comprehensive plan.

Amend and Replace Number 6 with the text to read as follows:

In the Urban Growth Boundaries, the following policies shall apply:

The purposes of the Urban Growth Boundary designation are to encourage a reasonably compact pattern of development, promote expansion of the Knoxville-Knox County economy, offer a wide range of housing choices, and coordinate the actions of the public and private sectors, particularly with regard to provision of adequate roads, utilizes, schools, drainage and other public facilities and services.

In Urban Growth Boundaries, any land use permitted in the Zoning Ordinance of the appropriate jurisdiction shall be permitted, subject to all requirements of that jurisdiction. Rezoning in the Urban Growth Boundaries shall be consistent with the applicable plan adopted by the Knoxville-Knox County Planning Commission or the Farragut Land Use Plan, as appropriate or one created hereafter in Knox County under provisions of state law.

Amend and Replace Number 7 with the text to read as follows:

No municipalities other than Farragut, Knoxville or one created under provisions of state law will be allowed to designate urban growth boundaries in Knox County.

Add Number 8 with the text to read as follows:

Official determinations of the location of the Urban Growth Boundaries, Planned Growth Area boundaries, or Rural Area boundaries shall be made by the chief zoning enforcement officer or a designee of Farragut, Knoxville, and Knox County, as appropriate, using the following standards:

Boundaries which appear to follow lot, parcel or property lines on the Official Growth Plan map shall be interpreted to coincide with such lines. If a lot or parcel appears to be split by a boundary, then its classification shall be determined as being the classification which accounts for the largest percentage of area within the lot or parcel.

Boundaries which appear to follow roads or railroads shall be interpreted to coincide with the right of way lines. When a section of road or railroad right of way abuts

an urban growth boundary, that section of right of way shall be designated as being entirely within the urban growth boundary. A section of the right of way abutting both a planned growth area and a rural area shall be designated as being entirely within the planned growth area.

When an urban growth boundary appears to follow a body of water designated by a solid or intermittent blue line on the most recently published United States Geological Survey (USGS) topographic quadrangle map, then all of that portion of the waterway contiguous to the boundary shall be designated as being entirely within the urban growth boundary.

When there is uncertainty as to the location of an urban growth boundary then the planning commission with jurisdiction over the boundary creating the uncertainty shall determine the location of the boundary.

Under *Other Recommendations*:

These recommendations address significant policy issues raised during the Coordination Committee's year-long planning process and the process of developing the Knox County Comprehensive Land Use and Transportation Plan.

The Growth Policy Coordinating Committee shall be reconvened based on the need for plan amendments.

The Growth Policy Plan should be updated or reviewed in concurrence with the Comprehensive Plan or as needed according to the guidelines in Appendix C of the adopted Growth Policy Plan from 2000.

Update and Replace Appendix D to include the table attached to this Resolution as Exhibit A.

Update and Replace the Growth Policy Map (follows page 6) with the map attached to this Resolution as Exhibit B.

All other Sections of the Plan and requirement that have been instated shall remain in full force and effect.

APPENDIX D

Growth Policy Plan Land Allocation

	Area (Square Miles)	% of Total	Change in Area (SqMi) GPP 2000-2023	
Town of Farragut				
Existing Land Area	16.194	3.15%	-0.02	
Urban Growth Boundary	0.800	0.16%	-0.19	
Subtotal	16.994	3.30%	-0.21	¹
City of Knoxville				
Existing Land Area	104.230	20.25%	6.67	²
Urban Growth Boundary	40.869	7.94%	-6.68	
Subtotal	145.099	28.19%	-0.01	³
Unincorporated Knox County				
Planned Growth Area	151.338	29.40%	3.93	
Rural Area	201.375	39.12%	-14.50	
Subtotal	352.713	68.51%	-10.57	⁴
County Total (sub of subtotals)	514.806	100.00%	-10.79	⁵

Explanation of Changes in Area Totals (2000-2023)

¹ GIS/Mapping Improvements between 2000-2023

² Annexation by COK of territory from the UGB in addition to small mapping discrepancies

³ GIS/Mapping Improvements between 2000-2023

⁴ Mapping discrepancies of approx 10.5mi² and proposed reclassification of 17mi² of land from rural to PGA

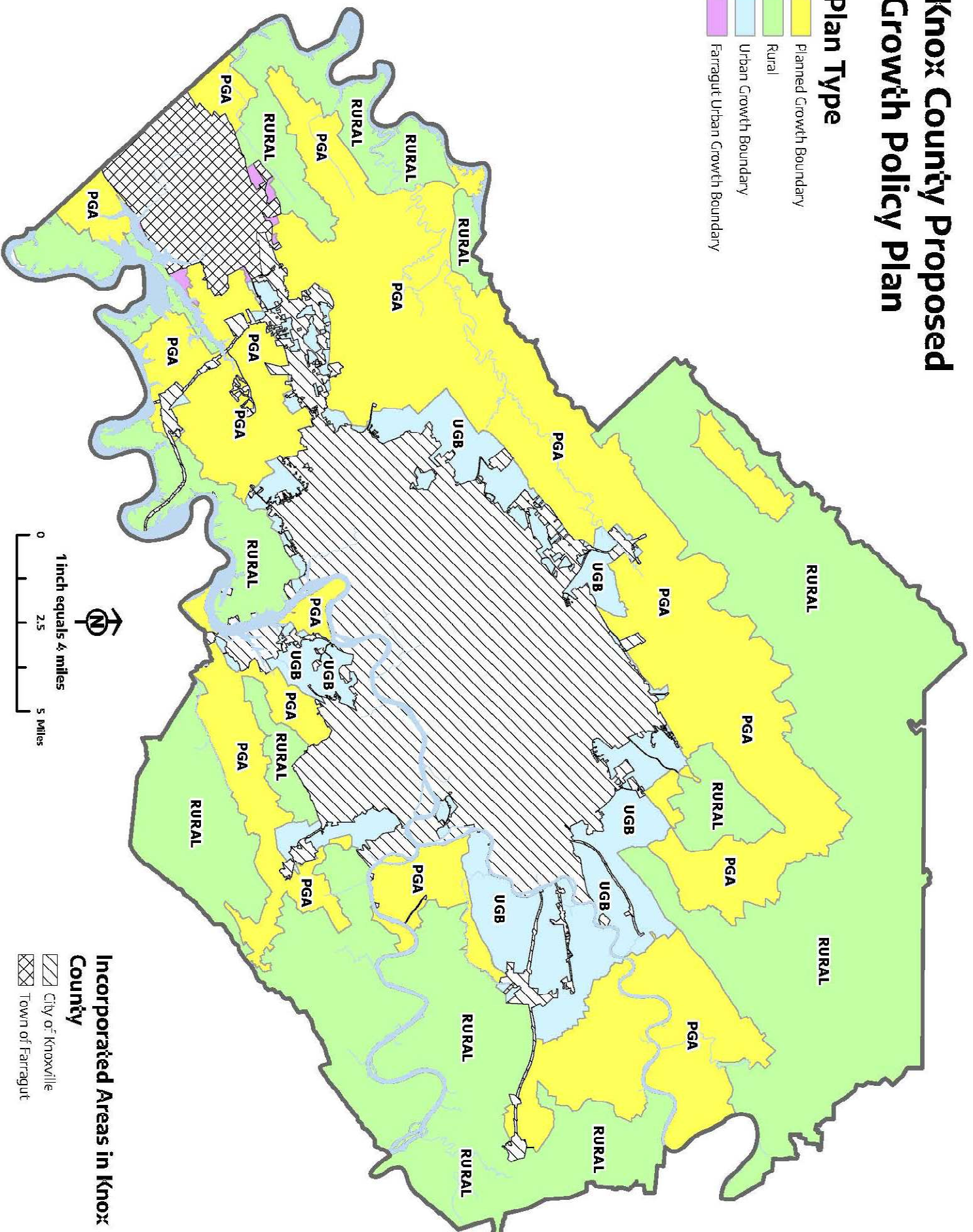
⁵ GIS/Mapping Improvements between 2000-2023

PGA Expansion Areas	Proposed Change (SqMi)
Karns North	0.245
Hardin Valley	4.620
Washington Pike	7.642
Strawberry Plains Pike Sth of I-40	0.611
Chapman Highway	1.382
Total	14.501

Knox County Proposed Growth Policy Plan

Plan Type

- Planned Growth Boundary
- Rural
- Urban Growth Boundary
- Farragut Urban Growth Boundary



Incorporated Areas in Knox County

- City of Knoxville
- Town of Farragut

This is a word document of pages (5-8) of the Knoxville-Farragut-Knox County Growth Policy Plan to better understand the proposed changes in the Resolution.

Section 1

Recommended Growth Plan

Original:

~~The Knox County Growth Policy Coordinating Committee worked for over a year to develop a plan that complies with Public Chapter 1101, Tennessee's annexation and growth management law. This plan, which the Coordinating Committee has recommended for adoption by the governing bodies of Knox County, Knoxville and Farragut, is the result of careful consideration of proposals put forward by the three local governments, citizens, community groups and business people. The plan is based on the requirements of existing conditions and trends in land use, population and the natural environment; and input by the citizens and detailed testimony by a wide variety of governmental service providers, including city and county departments, utility districts, emergency services and the school board.~~

~~This section contains the policy recommendations of the coordinating committee, presented in written and graphic form. The remaining sections of the document provide background information used to develop the plan.~~

Proposed:

Knox County embarked on a two-year process to create an integrated land use and transportation plan for the unincorporated county in 2021. The resulting future land use plan and the designation of rural and planned growth areas included in this growth plan was formed through careful consideration of citizens, community groups and businesspeople. It was based on existing conditions and infrastructure, trends in land use, population and the natural environment; and input by the citizens and detailed testimony by a wide variety of governmental service providers, including city and county departments, utility districts, emergency services and the school board.

The updated rural and planned growth areas presented in this plan, as well as the policies that guide development within these areas update the existing growth plan, originally developed in 2001. Terminology has been updated to refer to 'placetypes' which are the unit of land use categorization used in the Comprehensive Land Use and Transportation Plan. No recommended updates were made to any urban growth boundaries which surround the Town of Farragut or the City of Knoxville.

This section contains the policy recommendations of the coordinating committee; in addition to recommendations from the Knox County Comprehensive Plan, presented in written and graphic form. The remaining sections of the document provide background information used to develop the plan.

Growth Policy Map

Original:

~~The Growth Policy Map (follows page 6) shows the recommended Rural and Planned Growth Areas for unincorporated portions of Knox County and Urban Growth Boundaries for Farragut and Knoxville. Knoxville's Urban Growth Boundary contains 47.5 square miles; Farragut's Urban Growth Boundary contains one square mile; the Planned Growth Area contains 147 square miles; and the Rural Area contains 216 square miles (see Appendix D for more details and percentages).~~

Proposed:

The Growth Policy Map (following page 6) shows the recommended Rural and Planned Growth Areas for unincorporated portions of Knox County and Urban Growth Boundaries for Farragut and Knoxville. Knoxville's Urban Growth Boundary contains 40.87 square miles; Farragut's Urban Growth Boundary contains 0.80 square miles; the Planned Growth Area contains 154.44 square miles; and the Rural Area contains 198.27 square miles (see Appendix D for more details and percentages).

Goals-This section remains the same

The following goals have been adapted from the TN Public Chapter 1101:

- In conjunction with the comprehensive plans of Knoxville, Knox County and Farragut, provide a unified physical design for the development of the local community;
- Encourage a pattern of compact and contiguous development to be guided into urban areas and planned growth areas;
- Establish an acceptable and consistent level of public services and community facilities and ensure timely provision of those services and facilities;
- Promote the adequate provisions of employment opportunities and the economic health of the region;
- Conserve features of significant statewide or regional architectural, cultural, historical, or archaeological interest;
- Protect life and property from the effects of natural hazards, such as flooding;
- Take into consideration such other matters that may be logically related to or form an integral part of a plan for the coordinated efficient and orderly development of the local community; and
- Provide for a variety of housing choices and assure affordable housing for future population growth.

Policies

Original: This number remains the same

1. The Rural, Planned Growth, and Urban Growth Boundary designations of this plan shall not impair the rights of a landowner to lawfully use property in accordance with the provisions of the Zoning Ordinances of Knoxville, Knox County and Farragut.

Original: This number remains the same

2. Rezoning decisions shall be consistent with the Growth Plan Map and policies.

Original:

~~3. The following policies shall apply in the Rural Area:~~

~~3.1 The Knox County Zoning Ordinance and Zoning Map shall determine land uses permitted in the Rural Area. The rural designation shall not impede the right of a property owner to use or develop the property for a purpose permitted by that property's zoning. A land use listed in the Zoning Ordinance as a "use on review" may be approved by the Planning Commission if they find that the proposed development complies with all applicable standards in ordinance.~~

~~3.2 Rezonings within the Rural area shall be limited to the following zoning districts: Agricultural (A), Estate (E), Open Space (OS), Floodway (F), Planned Residential (PR at densities up to two (2) dwelling units are per acre based on the site's environmental characteristic and Health Department determination of septic system capability (with exceptions noted in #3.3 & #3.5 below), Transition (T), Historic Overlay (H), Planned Commercial (PC), subject to the conditions listed below in #3.4, and Light Industrial (LI) and (I), subject to the conditions listed below in #3.6. By February 1, 2001, MPC shall deliver recommended text of new Planned Business/Industrial Park, Neighborhood Commercial and Rural Community Commercial zoning districts to County Commission for legislative action. Upon the enactment of these shall replace the PC, LI and I zones in the preceding list of zones.~~

~~3.3 Rezoning on slopes of 25 percent or more shall be limited to the following zoning districts: Open Space (OS), Estate (E) and Planned Residential (PR) at densities of one (1) dwelling unit per two or more acres. Rezonings on slopes of 15 to 25 percent shall be limited to zoning districts which have a minimum one (1) acre lot size; Agriculture (A), Estate (E), Open Space (OS), and Planned Residential (PR) on lots of one (1) or more acres are appropriate.~~

~~3.4 In rural areas, rezoning to Planned Commercial (PC) shall only be approved for commercial uses or services needed to serve rural area residents, such as food markets, convenience stores, gasoline service stations and professional or business offices. A site plan shall be reviewed and approved by the Metropolitan Planning Commission concurrently with any rezoning to Planned Commercial in the Rural Area. Such commercial facilities and rezoning shall be consistent with the Sector Plans adopted by the planning commission.~~

~~3.5 Extensions of low density residential development (densities of 1 to 3 dwelling units per acre) into the rural area shall be limited to the following conditions: (a) the property must be~~

zoned Planning Residential (PR); (b) provision of sanitary sewer and public water services; (c) connecting collector and arterial roads from the proposed development to the Urban Growth Boundary or Planned Growth Area which meet the standards of the Knox County Engineering and Public Works Department or its successor; and (d) a traffic impact analysis demonstrating to the satisfaction of the planning commission that the effect of the proposed and similar developments in the traffic analysis zone will not unreasonably impair traffic flow along the arterial roads through the adjacent Planned Growth Area. The intent of this section is to allow extensions of low density residential development into rural areas when urban services (sanitary sewer, water, and adequate roads) become available. These areas should be growth reclassified "Planned Growth" when the growth plan is periodically revised and amended.

3.6 Land within the Rural area may be rezoned for business parks or industries only under the following conditions:

a.) The rezoning is consistent with the applicable Sector Plan. The Sector Plan may be amended upon recommendation of the Metropolitan Planning Commission in accordance with provisions of state law regarding adoption and amendment of regional plans.

b.) Wetlands, floodways, streams, or hillside lands with predevelopment slopes of 16% or greater, as defined in Section 82-30 of the Knoxville Knox County Subdivision Regulations shall not be rezoned for industrial or commercial use.

c.) The rezoning application must include deed restrictions which specify permitted land uses and to create design standards for landscaping, architecture, drainage, utilities, and transportation access. These restrictions shall be similar to those recorded for East bridge Business Park and in effect as of December 1, 1999. If the rezoning is approved, these deed restrictions, with any changes requested by the Planning Commission or County Commission, shall be filed prior to approval of the rezoning by County Commission.

d.) In the event that the Knox County Commission adopts zoning regulations permitting conditional zoning, approval of a conditional rezoning subject to the above referenced standards may substitute for the filing of deed restrictions.

e.) These areas shall be reclassified "Planned Growth" when the growth plan is periodically revised and amended.

Proposed:

3. Rezoning of slopes shall be based on the adopted policies of each legislative body.

Original:

~~4. In Planned Growth Areas, the following policies shall apply:~~

~~4.1 The purposes of the Planned Growth Area designation are to encourage a reasonably compact pattern of development, promote expansion of the Knox County economy, offer a wide range of housing choices, and coordinate the action of the public and private sectors, particularly with regard to provision of adequate roads, utilities, schools, drainage and other public facilities and services.~~

~~4.2 Planned Growth Areas may include any land use or development permitted by the Knox County Zoning Ordinance.~~

~~4.3 Rezoning in the Planned Growth Area shall be consistent with the applicable Sector Plan adopted by the Metropolitan Planning Commission.~~

~~4.4 After receiving a recommendation from the Planning Commission, the County Commission may amend the Sector Plan if it finds that there has been a change in conditions warranting the amendment.~~

~~4.5 The purposes of the Planned Growth Area designation are to encourage a reasonably compact pattern of development, promote expansion of the Knox County economy, offer a wide range of housing choices and coordinate the actions of the public and private sectors, particularly with regard to provision of adequate roads, utilities, schools, drainage and other public facilities and services.~~

Proposed:

4. The following policies shall ~~should~~ apply to the Rural Area

4.1 The Knox County Zoning Ordinance and Zoning Map shall determine land uses permitted in the Rural Area. The rural designation shall not impede the right of a property owner to use or develop the property for a purpose permitted by that property's zoning. A land use listed in the Zoning Ordinance as a "use on review" may be approved by the Planning Commission if it finds that the proposed development complies with all applicable standards in the ordinance.

4.2 Rezoning within the Rural area shall be limited to zoning districts that are consistent with the following placetypes: Rural Crossroads, Rural Conservation, and Rural Living and be consistent with the adopted comprehensive land use and transportation plan. (See placetypes in Appendix).

4.3 Residential development in the rural area shall be limited to all of the following conditions: (a) no more than 2 dwelling units per acre; and (b) sanitary sewer, or a sewage system approved and maintained by a public utility company and public water must be available; and (c) must be on a collector road with a minimum width of 18ft pavement, or with an approved memorandum of understanding in place to improve the road to 18ft or greater through the rural area to the adjacent Planned Growth or Urban Growth area, and as defined in the Major Road Plan or superseding documents, adopted by City Councility and County Commission. The intent of this

section is to allow residential development into rural areas where utilities and infrastructure are currently available; easily or able to be expanded and in accordance with the Rural placetypes.

4.4 Land within the Rural area may not be rezoned for business parks or industry, in accordance with the Rural placetypes and standards.

4.5 As of the effective date of this plan, all previously approved densities in the Rural Area shall remain in effect and are subject to all plans, regulations, and/or conditions of their approval.

Original:

~~5. In Urban Growth Boundaries, the following policies shall apply:~~

~~5.1 The purposes of the Urban Growth Boundary designation are to encourage a reasonably compact pattern of development, promote expansion of the Knoxville-Knox County economy, offer a wide range of housing choices, and coordinate the actions of the public and private sectors, particularly with regard to provision of adequate roads, utilizes, schools, drainage and other public facilities and services.~~

~~5.2 In Urban Growth Boundaries, any land use permitted in the Zoning Ordinance of the appropriate jurisdiction shall be permitted, subject to all requirements of that jurisdiction. Rezoning in the Urban Growth Boundaries shall be consistent with the applicable Sector Plan adopted by the Metropolitan Planning Commission or the Farragut Land Use Plan, as appropriate or one created hereafter in Knox County under provisions of state law.~~

Proposed:

5. In Planned Growth Areas, the following policies shall apply:

5.1 The purposes of the Planned Growth Area designation are to encourage a reasonably compact pattern of development, promote expansion of the Knox County economy, offer a wide range of housing choices, and coordinate the action of the public and private sectors, particularly with regard to provision of adequate roads, utilities, schools, drainage and other public facilities and services.

5.2 Planned Growth Areas may include any land use or development permitted by the Knox County Zoning Ordinance.

5.3 Rezoning in the Planned Growth Area shall be consistent with the adopted land use map and comprehensive plan adopted by the Knoxville-Knox County Planning Commission and legislative bodies.

5.4 After receiving a recommendation from the Knoxville- Planning Commission, County Commission may amend the land use map and comprehensive plan.

Original:

~~6. No municipalities other than Farragut, Knoxville or one created under provisions of state law will be allowed to designate urban growth boundaries in Knox County.~~

Proposed:

6. In the Urban Growth Boundaries, the following policies shall apply:

6.1 The purposes of the Urban Growth Boundary ~~designation~~ destination are to encourage a reasonably compact pattern of development, promote expansion of the Knoxville-Knox County economy, offer a wide range of housing choices, and coordinate the actions of the public and private sectors, particularly with regard to provision of adequate roads, ~~utilities~~ utilizes, schools, drainage and other public facilities and services.

6.2 In Urban Growth Boundaries, any land use permitted in the Zoning Ordinance of the appropriate jurisdiction shall be permitted, subject to all requirements of that jurisdiction. Rezoning in the Urban Growth Boundaries shall be consistent with the applicable plan adopted by the Knoxville-Knox County Planning Commission or the Farragut Land Use Plan, as appropriate or one created hereafter in Knox County under provisions of state law.

Original:

~~7. Official determinations of the location of the Urban Growth Boundaries, Planned Growth Area boundaries, or Rural Area boundaries shall be made by the chief zoning enforcement officer of Farragut, Knoxville, and Knox County, as appropriate, using the following standards:~~

~~7.1 Boundaries which appear to follow lot, parcel or property lines on the Official Growth Plan map shall be interpreted to coincide with such lines. If a lot or parcel appears to be split by a boundary, then its classification shall be determined as being the classification which accounts for the largest percentage of area within the lot or parcel. For example, if a parcel is split by the boundary between a rural area and a planned growth area, then the entire parcel shall be classified as rural.~~

~~7.2 Boundaries which appear to follow roads or railroads shall be interpreted to coincide with the right of way lines. When a section of road or railroad right of way abuts an urban growth boundary, that section of right of way shall be designated as being entirely within that urban growth boundary*. A section of the right of away abutting both a planned growth area and a rural area shall be designated as being entirely within the planned growth area.~~

~~7.3 When an urban growth boundary appears to follow a body of water designated by a solid or intermittent blue line on the most recently published United States Geological Survey (USGS) topographic quadrangle map, then all of that portion of the waterway contiguous to the boundary shall be designated as being entirely within the urban growth boundary.~~

~~7.4 When there is uncertainty as to the location of an urban growth boundary then the planning commission with jurisdiction over the boundary creating the uncertainty shall determine the location of the boundary.~~

Proposed:

7. No municipalities other than Farragut, Knoxville or one created under provisions of state law will be allowed to designate urban growth boundaries in Knox County.

Original:

There is not a number 8 in the Policy Section.

Proposed:

8. Official determinations of the location of the Urban Growth Boundaries, Planned Growth Area boundaries, or Rural Area boundaries shall be made by the chief zoning enforcement officer or a designee of Farragut, Knoxville, and Knox County, as appropriate, using the following standards:

8.1 Boundaries which appear to follow lot, parcel or property lines on the Official Growth Plan map shall be interpreted to coincide with such lines. If a lot or parcel appears to be split by a boundary, then its classification shall be determined as being the classification which accounts for the largest percentage of area within the lot or parcel.

8.2 Boundaries which appear to follow roads or railroads shall be interpreted to coincide with the right of way lines. When a section of road or railroad right of way abuts an urban growth boundary, that section of right of way shall be designated as being entirely within the urban growth boundary. A section of the right of away abutting both a planned growth area and a rural area shall be designated as being entirely within the planned growth area.

8.3 When an urban growth boundary appears to follow a body of water designated by a solid or intermittent blue line on the most recently published United States Geological Survey (USGS) topographic quadrangle map, then all of that portion of the waterway contiguous to the boundary shall be designated as being entirely within the urban growth boundary.

8.4 When there is uncertainty as to the location of an urban growth boundary then the planning commission with jurisdiction over the boundary creating the uncertainty shall determine the location of the boundary.

Other Recommendations

Original:

~~These recommendations address significant policy issues raised during the Coordinating Committee's yearlong planning process.~~

Proposed:

These recommendations address significant policy issues raised during the Coordination Committee's previous year-long planning process and the process of developing the Knox County Comprehensive Land Use and Transportation Plan.

Original:

~~1. A standing Growth Policy Coordinating Committee should be in place at all times, so that, if the plan is to be amended, time will not be lost making appointments.~~

Proposed:

1. The Growth Policy Coordinating Committee shall be reconvened based on the need for plan amendments.

Original:

~~2. The Growth Policy Plan should be periodically reviewed and, if warranted by changed conditions, amended. This review should occur every 3 years, beginning with the third anniversary of the effective date of the Plan.~~

Proposed:

2. The Growth Policy Plan should be updated or reviewed in concurrence with the Comprehensive Plan or as needed according to the guidelines in Appendix C of the adopted Growth Policy Plan from 2000, section 7 of Appendix C.

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Michelle Pence, Human Resource Director

SUBJECT: Approval of Resolution R-2024-05, Termination of Farragut Supplemental Retirement Plan

INTRODUCTION: The Town of Farragut adopted the Supplemental Retirement Plan in July of 2016 as an option for full time employees to have retirement who remained opted out of Social Security. The plan was designed to provide a benefit payable at the later of the attainment of age 65 or the retirement of such individual from the Town of Farragut. After payment commences, there is an annual 3% COLA increase guaranteed. Further, upon the death of the participant, one half of such benefit amount shall be payable to the employee’s spouse.

BACKGROUND: The Supplemental Retirement Plan requires an annual actuarial valuation report to be completed. Upon completion of the valuation report and evaluation of the current investment market, an additional lump sum contribution payment can be required. In the current state, the Town has 5 participants on the plan. Three (3) employees are actively collecting monthly payments, one (1) employee’s wife is collecting the survivorship benefits, and one (1) not active employee who is not eligible to collect until 2030.

The transition of the Supplemental Retirement Plan to an annuity plan will save the Town approximately \$267,000 over the life of the plan. This transition would not change any of the plan parameters; payments and terms remain the same for all participants within the plan.

DISCUSSION: This termination amendment would terminate the current Town of Farragut Supplemental Retirement Plan to allow the Town, working with an annuity purchase consultant, to enter a contract with an insurer to purchase permanent commitments to provide Plan benefits to the Plan’s remaining Participants, Beneficiaries and Alternate Payees. This termination would not change any of the plan payments and terms. These remain the same for all participants within the plan.

RECOMMENDATION: Staff recommends approval of Termination Amendment to The Town of Farragut Supplemental Retirement Plan.

PROPOSED MOTION: To approve Resolution R-2024-05, Termination of Farragut Supplemental Retirement Plan.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>WHITE</u>	<u>MEYER</u>	<u>POVLIN</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

RESOLUTION R-2024-05

TERMINATION AMENDMENT TO THE TOWN OF FARRAGUT SUPPLEMENTAL RETIREMENT PLAN

THIS TERMINATION AMENDMENT to THE TOWN OF FARRAGUT SUPPLEMENTAL RETIREMENT PLAN (“Plan”), a governmental defined benefit plan which was amended and restated, effective July 1, 2016, by the Town of Farragut (“Town”), amends, modifies and terminates the Plan pursuant to the rights to amend and to terminate in Sections 9.1 and 10.1 of the Plan. This Termination Amendment is intended to conform the terms of the Plan, as terminated, with current requirements of the Internal Revenue Code of 1986, as amended (“Code”), as well as any other changes in law applicable to governmental plans, including, but not limited to, the Setting Every Community Up for Retirement Enhancement Act of 2019 (“SECURE Act”), the Coronavirus Aid, Relief, and Economic Security Act of 2020 (“CARES Act”) and the SECURE 2.0 Act of 2022, enacted by Congress as Division T of the Consolidated Appropriations Act of 2023 (“SECURE 2.0 Act”). Capitalized words and phrases used herein shall have the meanings set forth in the Plan unless otherwise specifically defined herein.

A.

Effective April 19, 2024, the Plan hereby is terminated. As part of the Plan termination process, the Administrator, working with an annuity purchase consultant, shall cause the Plan to enter into a contract with an insurer to purchase irrevocable commitments to provide Plan benefits to the Plan’s remaining Participants, Beneficiaries and Alternate Payees.

B.

Effective April 19, 2024, the Plan hereby is amended by adding the following Termination Addendum thereto. This Addendum supersedes the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this Addendum. Except as otherwise provided in this Addendum, any reference to “Section” in this Addendum refers only to sections within this Addendum and is not a reference to the Plan. The Section numbering in this Addendum is solely for purposes of this Addendum, and does not relate to the Plan article, section or other numbering designations.

TERMINATION ADDENDUM

- 1.1 **APPLICATION.** This Addendum is effective regarding RMDs required to be made after December 31, 2019.
- 1.2 **DELAY OF REQUIRED BEGINNING DATE.** An Affected Participant's RBD shall not be earlier than April 1 of the calendar year following the year the Affected Participant attains age 72. For purposes of determining an Affected Participant's RBD, an Affected Participant will be treated as a more than 5-percent owner if such Affected Participant was a 5-percent owner (as defined in section 416(i)(1)(B) of the Code) as to the Plan Year ending in the calendar year the Participant attains age 72. Effective with respect to a Participant who has not attained age 72 as of December 31, 2022, such Participant's RBD shall be modified to comply with all relevant provisions of SECURE 2.0 Act.
- 1.3 **SPOUSAL DISTRIBUTIONS.** If an Affected Participant dies prior to the Participant's RBD, and the Participant's sole Designated Beneficiary is the Participant's surviving spouse, then the RMDs to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died, or by December 31 of the calendar year in which the Participant would have attained age 72, if later. Effective with respect to a RBD, under this Section 1.3, that has not occurred as of December 31, 2022, such RMD payable to the Participant's surviving spouse shall be modified to comply with provisions of SECURE 2.0 Act.
- 1.4 **DEFINITIONS.** A Participant is an "Affected Participant" if the Participant was born after June 30, 1949. An "RMD" is a required minimum distribution as described in Code section 401(a)(9) of the Code. A Participant's "RBD" is the Participant's Required Beginning Date as described in section 401(a)(9)(C) of the Code.

C.

Except as specifically amended and terminated above, the Plan shall remain unchanged.

IN WITNESS WHEREOF, the Employer has executed this Termination Amendment to the Plan on this 18th day of April, 2024.

TOWN OF FARRAGUT
("Town")

By: _____
Ron Williams, Mayor

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 24-01, an ordinance on second reading to amend the definition of a Public Tree and a Street Tree, as provided for in the Town of Farragut Public Tree Care Ordinance

INTRODUCTION AND BACKGROUND: This agenda item involves a minor change to the Farragut Public Tree Care Ordinance that was adopted in February of 2022. As the name suggests, the Public Tree Care Ordinance mainly addresses trees on public properties. Consequently, one of the key terms in this ordinance is the definition of a Public Tree.

The current definition is as follows:

Public Tree: A tree growing on land owned by the Town of Farragut. This would also include trees situated within walking trail easements that are maintained by the Town of Farragut.

Also related to a Public Tree is a Street Tree which is defined as follows:

Street Tree: A tree situated within a public street right of way with a non-invasive root system and a canopy width that does not generally exceed 25 feet at maturity. Street trees have a single straight trunk and ideally be vase shaped or otherwise lend themselves to proper pruning as they mature.

DISCUSSION: Recently, an issue was brought to the staff's attention regarding the maintenance of trees that were planted by a developer within the public right of way many years ago. The trees were not required to be planted by the Town and were intended to benefit the residents of the subdivision. As a result, the trees have always been maintained by the subdivision's HOA.

In looking at how "Public Trees" are currently defined in the Public Tree Care Ordinance, one of the HOA representatives understandably felt that since these trees were growing on land owned by the Town of Farragut, the trees should be maintained by the Town of Farragut.

A primary intent of the amendment to the Public Tree Care Ordinance that is reflected in Ordinance 24-01 is to clarify that only trees *planted by or required to be planted by the Town of Farragut* would be considered Public Trees to be maintained by the Town of Farragut. The amended definition also clarifies that, in the context of the Public Tree Care Ordinance, this term applies to trees that are planted vs. natural tree covered areas (like forested areas) that exist on land owned by the Town of Farragut. The amended definition also addresses developments like Parkside Drive and the Cottages at Pryse Farms where trees planted within Town owned rights of ways were part of a development plan where a homeowner's and/or property owner's association is responsible for maintenance.

By making these clarifications, the language in Ordinance 24-01 ensures that trees that are planted and that will ultimately be maintained by the Town would be subject to review and approval by the Town and should be appropriate for the desired location. This would also acknowledge current practice where HOA's are maintaining trees that either they planted, or the developer planted for the benefit of their development. Since

the definition of a Street Tree overlaps with the definition of a Public Tree a revision to the definition of a Street Tree is also included in Ordinance 24-01.

RECOMMENDATION: At their meeting on February 15, 2024, the Planning Commission unanimously recommended approval of Ordinance 24-01. At the March 28, 2024 meeting, the Board of Mayor and Aldermen unanimously approved Ordinance 24-01 on first reading. There have been no changes to Ordinance 24-01 since first reading and Community Development Director, Mark Shipley, recommends approval of Ordinance 24-01 on second reading.

BOARD ACTION:

MOTION BY:_____ **SECONDED BY:**_____

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MEYER</u>	<u>WHITE</u>	<u>POVLIN</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE:	24-01
PREPARED BY:	Shipley
REQUESTED BY:	Staff
1ST READING:	March 28, 2024
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE FARRAGUT MUNICIPAL CODE, APPENDIX F, THE PUBLIC TREE CARE ORDINANCE, TO UPDATE THE DEFINITION OF A PUBLIC TREE AND A STREET TREE

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend the Farragut Municipal Code, Appendix F, the Public Tree Care Ordinance, Section B., Definitions, by updating the definition of a Public Tree and a Street Tree.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Municipal Code is hereby amended as follows:

SECTION 1.

The Farragut Municipal Code, Appendix F – Public Tree Care Ordinance, Section B., Definitions., is hereby amended by replacing the definition of a Public Tree and a Street Tree with the following:

- Public Tree: As applied to trees planted on land owned by the Town of Farragut, a public tree shall only be those that are planted by or required to be planted by the Town of Farragut. A public tree would also include trees planted by or required to be planted by the Town of Farragut and placed within walking trail easements that are maintained by the Town of Farragut. A public tree shall not include trees planted on land owned by the Town of Farragut that were approved as part of a development plan to be maintained by a homeowner’s and/or property owner’s association.
- Street Tree: A public tree situated within a public street right of way with a non-invasive root system and a canopy width that does not generally exceed 25 feet at maturity. Street trees shall have a single straight trunk and ideally be vase-shaped or otherwise lend themselves to proper pruning as they mature.

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Ron Williams, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2024,
with approval recommended.

Scott Russ, Chairman

Shannon Preston, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

Existing Definitions:

Public Tree: A tree growing on land owned by the Town of Farragut. This would also include trees situated within walking trail easements that are maintained by the Town of Farragut.

Street Tree: A tree situated within a public street right of way with a non-invasive root system and a canopy width that does not generally exceed 25 feet at maturity. Street trees have a single straight trunk and ideally be vase shaped or otherwise lend themselves to proper pruning as they mature.

Proposed Definitions:

Public Tree: As applied to trees planted on land owned by the Town of Farragut, a public tree shall only be those that are planted by or required to be planted by the Town of Farragut. A public tree would also include trees planted by or required to be planted by the Town of Farragut and placed within walking trail easements that are maintained by the Town of Farragut. A public tree shall not include trees planted on land owned by the Town of Farragut that were approved as part of a development plan to be maintained by a homeowner's and/or property owner's association.

Street Tree: A public tree situated within a public street right of way with a non-invasive root system and a canopy width that does not generally exceed 25 feet at maturity. Street trees shall have a single straight trunk and ideally be vase-shaped or otherwise lend themselves to proper pruning as they mature.

RESOLUTION PC-24-01

FARRAGUT MUNICIPAL PLANNING COMMISSION

**A RESOLUTION TO APPROVE AN AMENDMENT TO THE TOWN OF FARRAGUT
PUBLIC TREE CARE ORDINANCE PURSUANT TO AUTHORITY GRANTED BY
SECTION 6-2-201, TENNESSEE CODE ANNOTATED**

WHEREAS, the Town of Farragut has wishes to promote guidelines for the care and management of public trees and make necessary amendments to the Public Tree Care Ordinance, as needed; and

WHEREAS, a public hearing was held on this request on February 15, 2024;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby recommends approval to the Farragut Board of Mayor and Aldermen of Ordinance 24-01, an ordinance to amend the Farragut Municipal Code, Appendix F, the Public Tree Care Ordinance, Section B., Definitions, to provide updated definitions for “Public Tree” and “Street Tree.”

ADOPTED this 15th day of February 2024.

Scott Russ, Chairman

Shannon Preston, Secretary

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder/Treasurer

SUBJECT: Ordinance 24-04, Ordinance to amend the General Fund, Insurance Fund, Capital Investment Program, Tourism Fund Budgets for Fiscal Year 2023-2024, passed by Ordinance 23-07

INTRODUCTION:

The purpose of this agenda item is to approve Ordinance 24-04 on second and final reading to amend the Fiscal Year 2024 General Fund, Insurance Fund, Capital Investment Program, Tourism Fund Budgets.

General Fund

DISCUSSION:

The **General Fund Budget** will be amended by increasing the appropriated expenditures from \$10,479,602 to \$10,492,102, an increase of \$12,500. This amendment is needed to budget for the FY23 second installment payment for the Memorandum of Understanding between the Town of Farragut and Farragut West Knox Chamber. The Chamber discovered that the invoice had not been submitted to the Town for this payment during FY23.

FINANCIAL SECTION: General Fund Budget

Account Number: General Fund Expenditures		
<u>FY2024 Budget</u>	<u>Requested Amendment</u>	<u>FY2024 Amended Budget</u>
\$10,479,602	\$12,500	\$10,492,102
Approved By: <u>A. Myers</u>		

Insurance Fund

DISCUSSION:

The **Insurance Fund** budget will be amended by increasing the appropriated expenditure from \$125,000 to \$250,000, an increase of \$125,000. Additional funding is needed for the consulting fee and supplemental funding to complete the transition to an annuity for the closed pension plan.

FINANCIAL SECTION: Insurance Fund

Account Number: Insurance Fund Expenditure		
<u>FY2024 Budget</u>	<u>Requested Amendment</u>	<u>FY2024 Amended Budget</u>
\$125,000	\$125,000	\$250,000
Approved By: <u>A. Myers</u>		

Capital Investment Program

DISCUSSION:

The **Capital Investment Program** budget will be amended by increasing the appropriated expenditures from \$23,138,906 to 23,873,906, an increase of \$735,000. Budget amendments are needed for two projects. The mid-block pedestrian crossings project, \$160,000 was budgeted in the FY23 CIP and will need to be transferred to the FY24 CIP, \$75,000 is needed to fund the project. The town center improvements project, \$500,000 was budgeted in the FY23 CIP and will need to be transferred to the FY24 CIP.

FINANCIAL SECTION: Capital Investment Program

Account Number: Capital Investment Program Expenditure		
<u>FY2024 Amended Budget</u>	<u>Requested Amendment</u>	<u>FY2024 Amended Budget</u>
\$23,138,906	\$735,000	\$23,873,906
Approved By: <u>A. Myers</u>		

Tourism Fund

DISCUSSION:

The **Tourism Fund** budget will be amended by increasing the appropriated expenditures from \$501,936 to \$571,972.75, an increase of \$70,036.75. The amendment also increases the ARPA grant revenue from 555,500 to \$625,536.75, an increase of \$70,036.75. The additional funding is added to match the grant received from the State of Tennessee.

FINANCIAL SECTION: Tourism Fund

Account Number: Tourism Fund Expenditure		
<u>FY2024 Budget</u>	<u>Requested Amendment</u>	<u>FY2024 Amended Budget</u>
\$501,936	\$70,036.75	\$571,972.75
Approved By: <u>A. Myers</u>		

Account Number: Tourism Fund Revenue		
<u>FY2024 Budget</u>	<u>Requested Amendment</u>	<u>FY2024 Amended Budget</u>
\$555,500	\$70,036.75	\$625,536.75
Approved By: <u>A. Myers</u>		

RECOMMENDATION BY: Allison Myers, Town Recorder/Treasurer, for approval.

PROPOSED MOTION: Motion to approve Ordinance 24-04 on second and final reading.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

ORDINANCE	24-04
PREPARED BY	Myers
1 ST READING	March 28, 2024
2 ND READING	April 11, 2024
PUBLISHED IN	Farragut Press
DATE	

AN ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE AMENDING THE FISCAL YEAR 2023-2024 GENERAL FUND, INSURANCE FUND, CAPITAL INVESTMENT PROGRAM, TOURISM FUND BUDGETS, PASSED BY ORDINANCE 23-07

WHEREAS, the Town of Farragut adopted the fiscal year 2023-24 budget by passage of Ordinance Number 23-07 on June 8, 2023; and

WHEREAS, pursuant to the Tennessee State Constitution, Section 24 of Article II, no public money shall be expended except pursuant to appropriations made by law; and

WHEREAS, expenses for the General Fund and Capital Investment Program budget will be greater than budgeted; and

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2023-2024 BUDGET AS FOLLOWS:

SECTION 1. Ordinance 23-07 is hereby amended by:

DISCUSSION:

The **General Fund Budget** will be amended by increasing the appropriated expenditures from \$10,479,602 to \$10,492,102, an increase of \$12,500. This amendment is needed to budget for the FY23 second installment payment for the Memorandum of Understanding between the Town of Farragut and Farragut West Knox Chamber.

The **Insurance Fund** budget will be amended by increasing the appropriated expenditure from \$125,000 to \$250,000, an increase of \$125,000. Additional funding is needed for the consulting fee and supplemental funding to complete the transition to an annuity for the closed pension plan.

The **Capital Investment Program** budget will be amended by increasing the appropriated expenditures from \$23,138,906 to 23,873,906, an increase of \$735,000. Budget amendments are needed for two projects. The mid-block pedestrian crossings project, \$160,000 was budgeted in the FY23 CIP and will need to be transferred to the FY24 CIP, \$75,000 is needed to fund the project. The town center improvements project, \$500,000 was budgeted in the FY23 CIP and will need to be transferred to the FY24 CIP.

The **Tourism Fund** budget will be amended by increasing the appropriated expenditures from \$501,936 to \$571,972.75, an increase of \$70,036.75. The amendment also increases the ARPA grant revenue from 555,500 to \$625,536.75, an increase of \$70,036.75. The additional funding is added to match the grant received from the State of Tennessee.

SECTION 2. The Board of Mayor and Aldermen authorizes the Town Recorder to make said changes in the accounting system.

SECTION 3. This ordinance shall take effect after its final passage and publication, the public welfare requiring it.

Ron Williams, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder/Treasurer

SUBJECT: Ordinance 24-05, Ordinance to amend Chapter 2, Administration, Article 6, Finance, Section 2-267 Depository of Town Funds, of the Farragut Municipal Code

INTRODUCTION:

The purpose of this agenda item is to approve Ordinance 24-05 on second and final reading to amend the Farragut Municipal Code Section 2-267, Depository of Town Funds.

DISCUSSION:

Currently, in section 2-267, the section identifies the bank that the Town will utilize for the deposit of town funds. Town staff is requesting to deleting this section in its entirety and replace it with the following:

Funds may be invested through or deposited with any bank or savings and loan association organized and operating under the laws of the State of Tennessee or the United States of America whose deposits are insured by the Federal Deposit Insurance Corporation and have either its principal office or a full-service branch office conveniently located to the Farragut Town Hall and Farragut Community Center.

Banking services must be evaluated every four (4) years. This change will allow the banking services to be reviewed and approved by resolution instead of an ordinance, which would require two readings.

RECOMMENDATION BY: Allison Myers, Town Recorder/Treasurer, for approval.

PROPOSED MOTION: Motion to approve Ordinance 24-05 on second and final reading.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>POVLIN</u>	<u>WHITE</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE:	24-05
PREPARED BY:	Myers
1ST READING:	March 28, 2024
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE 6., FINANCE, OF THE FARRAGUT MUNICIPAL CODE, TO REPLACE THE EXISTING SECTION 2-267 IN ITS ENTIRETY WITH A NEW ORDINANCE

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 2, Article 6-Finance, Division 1-Generally, Section 2-267, Depository for town funds, of the Code of Ordinances of the Town of Farragut, to replace the existing with a new ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Municipal Code is hereby amended as follows:

SECTION 1.

The existing Code of Ordinances of the Town of Farragut, Chapter 2, Finance, Division 1-Generally, Section 2-267, Depository for town funds, is amended by deleting it in its entirety and substituting in lieu thereof the following:

Chapter 2 – Administration. Section 2-267 Depository of town funds.

Funds may be invested through or deposited with any bank or savings and loan association organized and operating under the laws of the State of Tennessee or the United States of America whose deposits are insured by the Federal Deposit Insurance Corporation and have either its principal office or a full-service branch office conveniently located to the Farragut Town Hall and Farragut Community Center.

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Ron Williams, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: David Smoak, Town Administrator

SUBJECT: Approval of acceptance agreement with Midland National Life Insurance Company for a group annuity contract for the Town of Farragut supplemental retirement plan, to annuitize the plan participants in accordance with the plan’s termination

INTRODUCTION: The purpose of this agenda item is to accept the agreement with Midland National Life Insurance Company for a group annuity contract for the Town of Farragut supplemental retirement plan, to annuitize the plan participants in accordance with the plan’s termination.

DISCUSSION: The Town of Farragut adopted a supplemental retirement plan in 2016 that currently has 5 participants. In reviewing the plans ongoing costs, it was determined that by annuitizing the plan through a life insurance company could save the Town approximately \$267,000 over the life of the plan. There would be no changes to the plan terms and conditions for any of the participants in the plan.

The Town’s financial advisory firm, USI consulting, has bid out the terms for this agreement and will be administering the process to terminate the supplemental retirement plan. Midland National Life Insurance Company provided a bid of \$399,800 to take over the plan’s liability beginning May 1, 2024. Current assets in the plan total \$335,293.27, which would require the Town to contribute an additional \$64,667.73 to finalize the transaction that also includes a \$150 processing fee. The funding for this agreement is within the Town’s amended budget.

FINANCIAL SECTION:

Account Number:			
<u>Total Budget</u>	<u>Requested Amount</u>	<u>Contracted Amount</u>	<u>Remaining Amount</u>
\$125,000	\$64,667.73	\$25,000	\$35,332.27
Approved By: A. Myers			

RECOMMENDATION: Town Administrator David Smoak recommends approval.

PROPOSED MOTION: Motion to approve the acceptance agreement with Midland National Life Insurance Company for a group annuity contract for the Town of Farragut supplemental retirement plan, to annuitize the plan participants in accordance with the plan’s termination for a total amount of \$399,800 plus \$150 processing fee.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

<u>VOTE/TOTAL</u>	<u>WHITE</u>	<u>MEYER</u>	<u>WILLIAMS</u>	<u>POVLIN</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



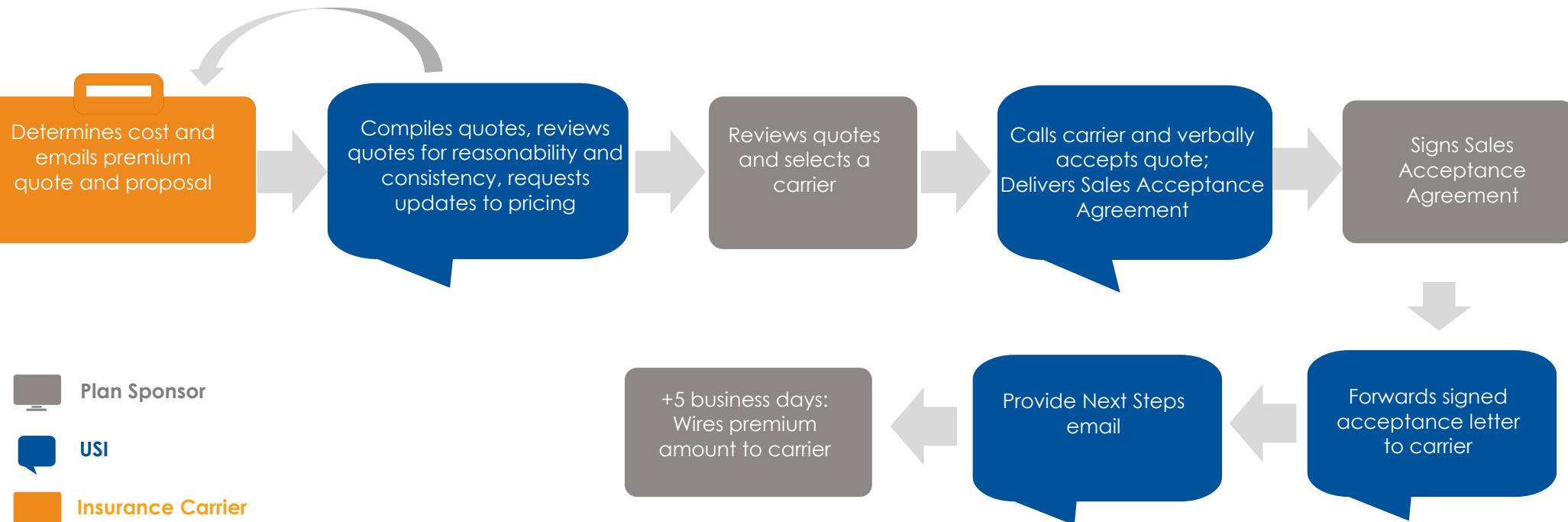
The Town of Farragut Supplemental Retirement Plan

Retired and Deferred Participant Group Annuity Buy-Out Contract Final Quote Selection

as of April 8, 2024

Final Quote Date Process

USI	Collect 1 st Round Quotes
USI	Evaluate 1 st Round Quotes and Review Proposal Updates
USI	Provide feedback to Carriers
USI	Collect 2 nd Round Quotes
USI	Provide feedback to Carriers
USI	Collect 3 rd Round Quotes
USI	Update Summary of Final Quotes
USI and Plan Sponsor	Call to Review Quotes and Carrier Capabilities: USI: Provide Analysis and Recommendation Plan Sponsor: Indicate Carrier Selection
USI	Provide verbal acceptance to Carrier
USI	Provide Sales Acceptance Agreement to Plan Sponsor
Plan Sponsor	Electronically sign Sales Agreement no later than 5pm ET
USI	Provides summary of next steps and deliverables



Carrier Participation

Insurance Company	Formal Name	State	Entry in Market
Midland National	Midland National Life Insurance Company	SD	2020

Insurance Carrier	Reason for Decline
AIG	200M Minimum Premium
American National	10M Minimum Premium
Athene	250M Minimum Premium
CUNA Mutual	1M Minimum Premium; Cannot administer COLA
Fidelity & Guaranty	100M Minimum Premium
Great American	Exited market 12/31/2021 (acquired by MassMutual)
Legal & General	50M Minimum Premium
MassMutual	40M Minimum Premium
MetLife	Quotes retirees only with 100M Minimum Premium
Mutual of America	Quotes retirees only with 10M Minimum Premium
Mutual of Omaha	Plan complexity
Nationwide	50M Minimum Premium
New York Life	Quotes retirees only with 50M Minimum Premium
OneAmerica	5M Minimum Premium; Cannot administer COLA
Pacific Life	50M Minimum Premium
Principal Financial	5M Minimum Premium
Prudential	50M Minimum Premium
RGA	500M Minimum Premium
Securian Financial	Quotes retirees only with 15M Minimum Premium
Western & Southern	10M Minimum Premium; Cannot administer COLA

Annuity Contract Due Diligence

DOL Interpretive Bulletin 95-1 Fiduciary Factors:

- The **QUALITY AND DIVERSIFICATION** of the annuity provider's investment portfolio
- The **SIZE** of the insurer relative to the proposed contract
- The level of the insurer's **CAPITAL AND SURPLUS**
- The **LINES OF BUSINESS** of the annuity provider and other indication of the insurer's exposure to liability
- The **STRUCTURE** of the annuity contract and the guarantees supporting the annuities such as the use of separate accounts
- The availability of additional protection through **STATE GUARANTY ASSOCIATIONS** and the extent of their guarantees

All participating carriers meet the standards for providing the “safest available annuity.”

- Carriers meet the standards noted above under DOL IB 95-1.
- Carriers are able to administer the plan provisions.
- There have been no material changes to carrier financials or ratings since we issued our carrier analysis report, nor have there been material events impacting these carriers' performance and ability to meet the DOL standards.

ERISA Standards:

- Care
- Skill
- Prudence
- Diligence
- Diversification

USI operates as a co-fiduciary in this process.



CONSULTING GROUP

USI Consulting Group

Presents

Final Annuity Premium Quotes

as of
April 8, 2024

for the

The Town of Farragut Supplemental Pension Plan

Wire Date: April 15, 2024

Liability Date: May 1, 2024*

Plan Trust Last Payment: May 1, 2024*

Direct Administration Date: June 1, 2024

Insurance Carrier	Monthly Benefits	Number of Lives	Preliminary Premium 2/26	1st Round Premium 4/8	2nd Round Final Premium 4/8
Midland National	\$2,023.30	5	\$415,000	\$410,200	\$399,800

*Premium includes all payments from May 1, 2024 and beyond.

Midland National will send the amount for the retiree May payments (\$1,615.90) back to the plan trust in late April so that the funds are delivered before the plan trust issues the May 1 payment. They do not have sufficient time to issue the payments themselves directly.

General Installation Process: Deliverables/Actions

USI	• Coordinate Installation • Documentation of Recommendation • Sample Participant Letters • Next Steps Email • Review Contract • Coordinate Data Transfer • Final Documentation of Process
Plan Sponsor	• Contribute to Plan/Liquidate Funds (as needed) • Wire Premium (within 5 business days) • Provide Bulk Payment Instructions (if needed) • Trustee Data Extract • Shut off Retiree Payments • Review/Edit/Mail Goodbye Letters • Review Contract
Insurer	• Establish Installation Call / Timeline • Lead Periodic Calls (optional) • Audit Data • Issue Welcome Letters • Launch Participant Services – Issue payments • Provide Draft Contract/Certificates • Issue Contract, Certificates

Proposal for The Town of Farragut Supplement Retirement Plan

Insurance Company: Midland National Life

Contact Name: Trent Freier

Contact Phone #: 701-433-6176

Contractholder/Plan Sponsor

Town of Farragut

State of Issue

TN

New York Residents

Midland National will accept NY residents (if applicable), but would only service them by mail or email.

Data Reconciliation

Midland National will provide a data change listing and the corresponding price adjustment for each individual life within 90 days of the Contract Payment Commencement Date, using the expense and mortality assumptions from the Final Quote Date. If the total premium adjustment is within 3% of the original premium, the interest rate used on the Final Quote Date will be used to calculate the premium adjustment. If the premium adjustment is greater than 3%, the excess premium over 3% will be calculated using current assumptions as of the Data Reconciliation Pricing Date.

Refunds for Deaths

Midland National will refund premium for deaths occurring on or before the liability transfer date, regardless of materiality if reported within 6 months of the liability transfer date and only if material for deaths reported after 6 months.

Certificates

Midland National will provide an annuity certificate showing the guaranteed benefit to each participant and beneficiary covered under the contract within 60 days of the final contract execution.

Complete Transfer

Midland National Life fully and irrevocably guarantees the specified payments to the annuitants. We will have no liability beyond this specified payment to the annuitants as it relates to the payment and administration under this transaction.

Administrative Services

In addition to making payments, Midland National will issue year-end Forms 1099R and provide federal, state, and local tax withholding.

Missing Participants

We would accept missing participants as part of the transaction. Commercially reasonable efforts will be made to locate missing participants before complying with state unclaimed property guidelines.

Unclaimed Benefits

Any unclaimed benefits will be handled according to state unclaimed property guidelines.

Third Party Beneficiary

Annuitants under this transaction will have third party beneficiary rights and can enforce the payment of the monthly benefit.

Qualified Domestic Relation Orders (QDROs) and Power of Attorney (POA)

Midland National will handle the administration of any QDRO, Power of Attorney (POA), Guardianship, and/or tax levies that occur after the liability transfer date.

If any of these arrangements are in effect prior to the liability transfer date, the current plan sponsor will be required to provide payment specifics such as: data for each person to be paid, payment amount, separate or shared interest, and any other pertinent details. These payment details can be provided on the final census data. Providing a copy of the actual QDRO, POA, etc. is optional.

Payment Method

Check or electronic funds transfer (EFT) as specified by the participant.

Small (Micro) Annuity Limits

All payments, including small amounts, will be paid on a monthly basis unless subject to minimum lump sum provisions.

Proof of Age

Nothing is required beyond what is submitted on the final census.

Indemnification

Specified in Acceptance Agreement upon execution.

Benefit Payment Provisions

Plan Year	July 1 – June 30
Employee Contributions	No
COLA	Annual COLA of 3% is applied each January 1 st following the participant's annuity start date.
Postretirement Death Benefit	No, unless it is intrinsic to the benefit form in effect.
Payment Timing	1 st day of the month
Termination Requirement	Termination of employment is required to commence early, normal, and late retirement benefits.
Normal Retirement Date (NRD)	First day of the month coincident with or next following the earlier of the Social Security Normal Retirement Age or participant's 67th birthday.
Early retirement	- First day of the month coincident with or next following age 62 - Benefit is reduced by the Social Security reduction formula, as determined by the US Social Security Administration
Late Retirement	If commencement occurs after NRD, the accrued benefit is increased by 3% on each January 1st that the late retirement follows NRD
Disability Retirement	- Eligibility: Total and permanent disability prior to retirement or termination - Benefit: 100% of the accrued benefit is payable
Pre-Retirement Death Benefit	- Eligibility: only if married - Benefit: survivor portion of the 50% QJSA - Payment date: first of the month following the later of the participant's death and earliest retirement age. - Optional Payment forms: single life annuity

Actuarial Equivalence	• N/A
Payment Forms	• Normal forms – unadjusted from amount provided in the data ○ Single: Single Life Annuity ○ Married: Joint & 50% Survivor Annuity • No optional forms

Control Totals and Premium

Category	Number of Participants	Monthly Benefits	General Account Premium
In-pay	4	\$1,615.90	\$335,000
Term Vested	1	\$407.40	\$64,800
Total	5	\$2,023.30	\$399,800

Commission: 0%

Sample Installation Timeline

Carrier Selection Date:	April 8, 2024
Premium Transfer Date:	April 15, 2024
Liability Transfer Date:	May 1, 2024
Data deadline to begin direct payments on ACD:	April 20, 2024
Welcome Packet Sent and Call Center Opens:	May 25, 2024
Annuity Commencement Date:	May 1, 2024 (bulk) June 1, 2024 (direct)

1. Contract Holder Name (If Trust, Name and Date of Trust):	
2. Tax ID No.	3. Contract Applied For:
4. Contract Holder Address (Street, City, State, Zip):	
5. Contract Holder Billing Address, if different from Contract Holder Address:	6. Telephone No.

Application is made to Midland National Life Insurance Company by the Contract Holder for the Group Annuity Contract listed above, which is attached to this Application. The terms of the attached Contract are approved and accepted.

This application supersedes any previous application for the Contract.

FRAUD STATEMENT:

AZ Residents: Any life insurance producer, examining physician or other person who knowingly makes a false or fraudulent statement or representation in an application for life or disability insurance, or who makes any such statement to obtain a fee, commission, money or benefit is guilty of a class 2 misdemeanor.

CO Residents: It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

DC Residents: It is a crime to provide false or misleading information to an insurer for the purpose of defrauding the insurer or any other person. Penalties include imprisonment and/or fines. In addition, an insurer may deny insurance benefits if false information materially related to a claim was provided by the applicant.

KS Residents: Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals, for the purpose of misleading, information concerning any fact material thereto may be guilty of insurance fraud as determined by a court of law.

MD Residents: Any person who knowingly or willfully presents a false or fraudulent claim for payment of a loss or benefit or who knowingly or willfully presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

AR, LA, MA Residents: Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

ME Residents: It is a crime to knowingly provide false, incomplete, or misleading information to an insurance company for the purpose of defrauding the company. Penalties may include imprisonment, fines or denial of insurance benefits.

WA Residents: It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits.

RI Residents: Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

VT Residents: Any person who knowingly presents a false statement in an application for insurance may be guilty of a criminal offense and subject to penalties under state law.

Residents of all other states: Any person who, with the intent to defraud or knowing that he/she is facilitating a fraud against an insurer, submits an application or files a claim containing false or deceptive statements is/may be guilty of insurance fraud and may be subject to fines and penalties.

Authorized individuals are signing on behalf of the entity purchasing the annuity and each individual is authorized and empowered to individually or collectively enter into contracts and financial transactions including the purchase of annuities. The entity is duly organized and existing in compliance with all laws and regulations. The entity shall notify the Company in writing of a change in or revocation of authorized individuals. The authorized individuals and the entity agree to indemnify the Company for liability of any kind arising out of any acts or omissions taken by the Company upon their instructions and in reliance on their representations to the Company in connection with the policy.

IRS SUBSTITUTE W-9 TAXPAYER IDENTIFICATION NUMBER CERTIFICATION – Under penalties of perjury, I certify that the number shown on this form is my correct taxpayer identification number; I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service that I am subject to backup withholding as a result of failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; I am a U.S. citizen or other U.S. person as defined by the IRS for federal tax purposes; and I am exempt from Foreign Account Tax Compliance Act (FACTA) reporting.

The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding.

Signed at _____
City State

Signature of Owner Title Date

ACCEPTANCE AGREEMENT

In consideration of payment of \$_____ and completion of this Agreement dated _____ by _____ (“Owner”), Midland National Life Insurance Company (“Company”) agrees to pay the Annuity Benefits and any Additional Life Benefits in such amounts and on such persons as applied for on the Census, attached hereto as Schedule A, by the Owner subject to the following conditions.

1. The Company agrees to:
 - A. Issue a General Account group annuity contract and certificates within 60 days of final contract execution as applied for under the Application with the effective date being the wire transfer date.
 - B. Calculate any price adjustments to individuals on the Census within 90 days of the annuity commencement date using the same pricing basis that was used in the final quote and refund any excess premium or provide a bill for any shortfall within 5 business days of notification. If the total premium adjustment is within 3% of the original premium, the interest rate used on the final quote date will be used to calculate the premium adjustment. If the premium adjustment is greater than 3%, the excess premium over 3% will be calculated using current assumptions as of the date of reconciliation.
 - C. Refund premium for deaths occurring on or before the liability assumption date, regardless of materiality if reported within 6 months of the wire transfer date and only if material for deaths reported after 6 months.
 - D. Pay small benefit amounts in the manner specified in the final proposal, unless otherwise agreed in writing.
 - E. Fully and irrevocably guarantee the specified payments to the annuitants upon receipt of the full payment, execution of this agreement, and issuance of the General Account group annuity contract. We will have no liability beyond the specified payments to the annuitants as it relates to the payment and administration under this transaction.
 - F. Hold harmless and indemnify the Owner if the Company does not make payments as specified in the Census, does not fulfill its obligations under this Agreement, or does not comply with its Privacy Policy attached as Exhibit Two.
2. The Owner agrees to:
 - A. Submit any required modifications to the Census within 5 business days of the date required changes are identified.
 - B. Make all payments required under this agreement, including any additional premiums required as a result of any adjustments to the Census within 5 business days of the billing.
 - C. Remit the completed application, attached hereto as Exhibit One, within 90 days of this Agreement.
 - D. Hold harmless and indemnify the Company if the Owner does not provide complete and correct information on the Census, does not identify on the Census any payment required under the Pension Plan, does not fulfill its obligations under this Agreement, or does not comply with its Privacy Policy.
3. Termination: In the event that all conditions listed in Section 1 and Section 2 above have not been met within ninety (90) days from the date of the Acceptance Agreement and the Company notifies the Owner in writing, this agreement may be terminated and if terminated, an amount described in Section 4 shall be returned. If the Owner notifies the Company in writing prior to issue of the contract that they no longer wish to purchase the contract, this agreement shall be terminated and an amount described in Section 4 shall be returned.
4. If, for any reason, this Agreement is terminated and a contract has not been issued, the Company will refund to the Owner the Acceptance Agreement consideration plus any additional premiums paid, less

any prior premium refunds and less any claims paid, plus interest calculated at an annual effective rate equal to the U.S. 3-Month Treasury Bill as of the date the Owner's initial payment.

5. The Company will inform participants that they have the right to sue for benefits if the payment specified in their certificate is not paid. The Company will inform participants that QDROs will be administered by the Company upon receipt of written documentation acceptable to the Company.
6. None of the provisions contained in this Agreement are contrary to the provisions of the contract.
7. Modifications to the Agreement must be in writing and signed by both of the parties.

ACCEPTANCE BY: _____
(Owner Name)

SIGNATURE: _____
(Signature)

SIGNED BY: _____
(Print Name)

TITLE: _____

DATE: _____

ACCEPTANCE BY: Midland National Life Insurance Company

SIGNATURE: _____
(Signature)

SIGNED BY: _____
(Print Name)

TITLE: Senior Vice President, Corporate Markets

DATE: _____

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Eric Schindler, Assistant Town Engineer

SUBJECT: Approval of Bids for Contract 2025-01, Annual On-Call Road Maintenance

INTRODUCTION: The purpose of this agenda item is to consider bids and award our Annual Road Maintenance contract to the selected contractor.

BACKGROUND: Each year we advertise a request for bid proposals for the maintenance of our streets. Proposals are obtained for the various line items we typically see during the given year, and we recommend awarding to a contractor based upon their unit prices and their responsiveness (if they’ve completed this contract in the past) as well as their ability to perform the required work. We received one bid on March 28, 2024, from Pavement Restorations, Inc. (PRI). We have attached a tabulation of PRI’s unit prices, compared with those prices in the FY24 contract (PRI was awarded this contract in the current year). The tabulations indicate FY25 unit prices will increase by approximately 10% from FY24. The Town has worked with PRI in the past, and we have always been pleased with their performance. Staff recommends the award of this contract to Pavement Restorations, Inc.

FINANCIAL SECTION:

Account Number: 121-43100-2680			
<u>Total Budget</u>	<u>Requested Amount</u>	<u>Contracted Amount</u>	<u>Remaining Amount</u>
\$80,000	\$80,000	\$0	\$0
Approved By: <u>A. Myers</u>			

RECOMMENDATION BY: Eric Schindler, Assistant Town Engineer

PROPOSED MOTION: Approval of proposal and award of Contract 2025-01 to Pavement Restorations, Inc.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>POVLIN</u>	<u>MEYER</u>	<u>BURNETTE</u>	<u>WHITE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

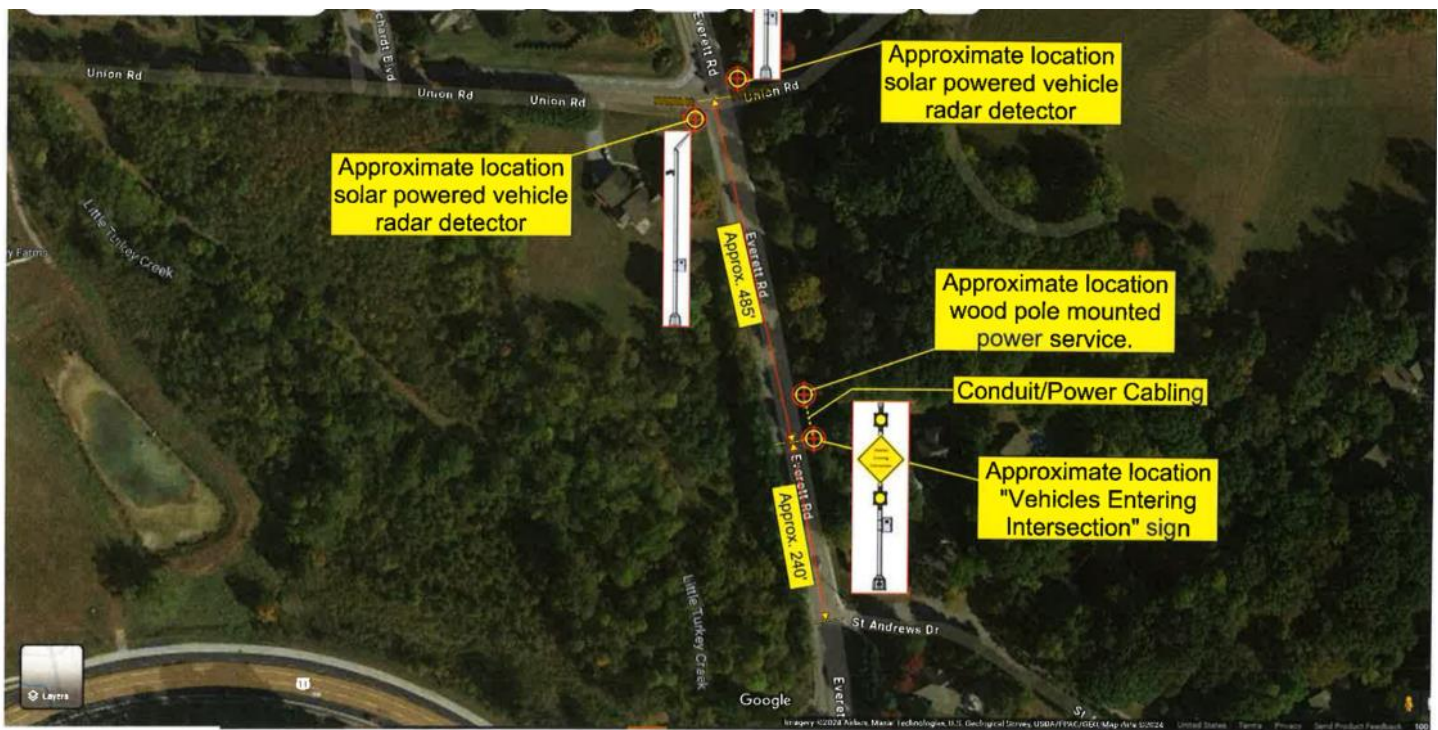
2025-01: On-Call Road Maintenance



ITEM #	DESCRIPTION	UNIT	2024 Current Rates PRI of East TN., Inc.	2025 PRI of East TN.	
			UNIT PRICE	UNIT PRICE	
1.1	Minimum Charge-NORMAL Response Time	EA	\$ 1,500.00	\$ 2,000.00	133%
1.2	Minimum Charge-EMERGENCY Response Time	EA	\$ 2,000.00	\$ 2,500.00	125%
2.1	Surface Patch, 1.5" ACS (PG 64-22) Gr E Roadway (maximum 500 Sq. Ft.)	SF	\$ 10.00	\$ 11.00	110%
2.2	Surface Patch, 1.5" ACS (PG 64-22) Gr E Roadway (minimum 500 Sq. Ft.)	SF	\$ 10.00	\$ 11.00	110%
2.3	Surface Patch applied with a burn truck (maximum single patch of 500 Sq. Ft.)	SF	\$ 12.00	\$ 13.00	108%
3.1	Pavement Depth Patch, 1.5" ACS (PG 64-22) Gr E Roadway, 5" BPMB-HM (PG-64-22) B-M2 (maximum 500 Sq. Ft.)	SF	\$ 15.00	\$ 16.50	110%
3.2	Pavement Depth Patch, 1.5" ACS (PG 64-22) Gr E Roadway, 5" BPMB-HM (PG-64-22) B-M2 (minimum 500 Sq. Ft.)	SF	\$ 14.00	\$ 15.00	107%
3.3	Full Depth Patch, 1.5" ACS (PG 64-22) Gr E Roadway, 5" (Two Lifts) BPMB-HM (PG-64-22) BM2, Mineral Aggregate Type A Base, 10", (Two Lifts) (maximum 500 Sq. Ft.)	SF	\$ 20.00	\$ 22.00	110%
3.4	Full Depth Patch, 1.5" ACS (PG 64-22) Gr E Roadway, 5" (Two Lifts) BPMB-HM (PG-64-22) BM2, Mineral Aggregate Type A Base, 10", (Two Lifts) (minimum 500 Sq. Ft.)	SF	\$ 18.00	\$ 20.00	111%
4.1	Pavement Depth Patch, 1.5" ACS (PG 64-22) Gr E Roadway, 3" BPMB-HM (PG-64-22) B-M2 (maximum 500 Sq. Ft.)	SF	\$ 14.50	\$ 16.00	110%
4.2	Pavement Depth Patch, 1.5" ACS (PG 64-22) Gr E Roadway, 3" BPMB-HM (PG-64-22) B-M2 (minimum 500 Sq. Ft.)	SF	\$ 13.50	\$ 15.00	111%
4.3	Full Depth Patch, 1.5" ACS (PG 64-22) Gr E Roadway, 3" BPMB-HM (PG-64-22) B-M2, Mineral Aggregate Type A Base, 8", (Two Lifts) (maximum 500 Sq. Ft.)	SF	\$ 17.00	\$ 19.00	112%
4.4	Full Depth Patch, 1.5" ACS (PG 64-22) Gr E Roadway, 3" BPMB-HM (PG-64-22) B-M2, Mineral Aggregate Type A Base, 8", (Two Lifts) (minimum 500 Sq. Ft.)	SF	\$ 16.00	\$ 18.00	113%
5.1	Pavement Depth Patch, 1.5" ACS (PG 64-22) Gr E Roadway, 2.5" BPMB-HM (PG-64-22) B-M2 (maximum 500 Sq. Ft.)	SF	\$ 14.00	\$ 15.50	111%
5.2	Pavement Depth Patch, 1.5" ACS (PG 64-22) Gr E Roadway, 2.5" BPMB-HM (PG-64-22) B-M2 (minimum 500 Sq. Ft.)	SF	\$ 14.00	\$ 15.50	111%
5.3	Full Depth Patch, 1.5" ACS (PG 64-22) Gr E Roadway, 2.5" BPMB-HM (PG-64-22) B-M2, Mineral Aggregate Type A Base, 8", (Two Lifts) (maximum 500 Sq. Ft.)	SF	\$ 16.00	\$ 18.00	113%
5.4	Full Depth Patch, 1.5" ACS (PG 64-22) Gr E Roadway, 2.5" BPMB-HM (PG-64-22) B-M2, Mineral Aggregate Type A Base, 8", (Two Lifts) (minimum 500 Sq. Ft.)	SF	\$ 14.00	\$ 15.50	111%
5.5	72" x 144" (3" ACS (PG-64-22) Gr E 72 Sq. Ft.) Asphalt Speed Cushion (Does NOT Include Pavement Markings and Signage). Price Per Speed Cushion		na	\$ 13,500.00	na
5.6	84" x 144" (3" ACS (PG-64-22) Gr E 72 Sq. Ft.) Asphalt Speed Cushion (Does NOT Include Pavement Markings and Signage). Price Per Speed Cushion		na	\$ 13,500.00	na
6.1	Remove/Dispose Existing Pavement for Arterial Roadway, 7" Depth (maximum 500 Sq. Ft.)	SF	\$ 12.00	\$ 13.00	108%
6.2	Remove/Dispose Existing Pavement for Arterial Roadway, 7" Depth (minimum 500 Sq. Ft.)	SF	\$ 11.00	\$ 12.00	109%
6.3	Remove/Dispose Existing Pavement for Collector/Local Roadway, 4.5" Depth (maximum 500 Sq. Ft.)	SF	\$ 11.00	\$ 12.00	109%
6.4	Remove/Dispose Existing Pavement for Collector/Local Roadway, 4.5" Depth (minimum 500 Sq. Ft.)	SF	\$ 10.00	\$ 11.00	110%
7.1	Asphalt Trail (New), 8' or 10' Width, Grading, 6" Mineral Aggregate Base, 2" ACS (PG 64-22) Gr E Shoulder, Backfill, Seed and Matting) (minimum 500 Sq. Ft.) (~206 lbs./SY of 2" Gr E Shoulder)	SF	\$ 25.00	\$ 28.00	112%
7.2	Asphalt Trail (Full Depth Repair), Grading, 6" Mineral Aggregate Base, 2" ACS (PG 64-22) Gr E Shoulder, Backfill, Seed and Matting) (maximum 500 Sq. Ft.)	SF	\$ 30.00	\$ 33.00	110%
7.3	Asphalt Trail (Full Depth Repair), Grading, 6" Mineral Aggregate Base, 2" ACS (PG 64-22) Gr E Shoulder, Backfill, Seed and Matting) (minimum 500 Sq. Ft.)	SF	\$ 30.00	\$ 33.00	110%
7.4	Remove/Dispose Asphalt Trail Pavement, 2" Depth (maximum 500 Sq. Ft./approx. 5.8 Tons)	SF	\$ 10.00	\$ 11.00	110%
7.5	Remove/Dispose Asphalt Trail Pavement, 2" Depth (minimum 500 Sq. Ft./approx. 5.8 Tons)	SF	\$ 10.00	\$ 11.00	110%
7.6	Asphalt Trail (Resurfacing), 8' or 10' Width, 2" ACS (PG 64-22) Gr E Shoulder, (maximum 500 Sq. Ft.) (~206 lbs./SY of 2" ACS)	SF	\$ 11.00	\$ 12.00	109%
7.7	Asphalt Trail (Resurfacing), 8' or 10' Width, 2" ACS (PG 64-22) Gr E Shoulder, (minimum 500 Sq. Ft.) (~206 lbs./SY of 2" ACS)	SF	\$ 11.00	\$ 12.00	109%
10.1	Cold Mix Patch	SF	\$ 30.00	\$ 33.00	110%
10.2	Saw Cut (Asphalt/Concrete)	LF	\$ 7.00	\$ 7.00	100%
10.3	Grader	Hour	\$ 200.00	\$ 220.00	110%
10.4	Backhoe	Hour	\$ 175.00	\$ 195.00	111%
10.5	Roller (Bomag-120 AD or Equal)	Hour	\$ 150.00	\$ 165.00	110%
10.6	Single-Axle Truck	Hour	\$ 105.00	\$ 115.00	110%
10.7	Tri-Axle Truck	Hour	\$ 120.00	\$ 130.00	108%
10.8	Bobcat (Including Attachment Needed)	Hour	\$ 150.00	\$ 165.00	110%
10.9	Shoulder Stone (Edge of Pavement) with Mineral Aggregate Type A Base, TDOT 303-01, Placed and Compacted	TN	\$ 300.00	\$ 330.00	110%
11.1	Labor	Hour	\$ 90.00	\$ 100.00	111%
					111%

REPORT TO THE BOARD OF MAYOR AND ALDERMEN**PREPARED BY:** Eric Schindler, Assistant Town Engineer**SUBJECT:** Approval of Bids for Contract 2024-14, Installation of Flashing Warning Beacon at the Intersection of Everett Road and Union Road.**INTRODUCTION:** The purpose of this agenda item is to consider bids and award contract 2024-14 Installation of Flashing Warning Beacon.

BACKGROUND: Due to resident concerns, current sight distance issues, and speed disparities between Everett Road traffic and traffic entering the roadway from Union Road, the addition of a flashing “Vehicles Entering Intersection” sign is proposed to provide advanced warning for northbound Everett Road traffic. The sign will be actuated by radar detectors located at the Union Road intersection on both sides of Everett Road. The radar detectors will be solar powered, and the flashing “Vehicles Entering Intersection” sign will be powered by a new 120V AC wood pole mounted power service. The bid reading date for this project was 3/26/2024 and Stansell Electric Company, Inc. was the only bidder with a bid price of \$35,450.00. The project completion date is on or before November 22, 2024. The proposed location of the “Vehicles Entering Intersection” sign and the proposed locations of the solar powered radar detectors are shown in exhibit one.

**Exhibit 1**

FINANCIAL SECTION:

Account Number: 121-43100-4250			
<u>Total Budget</u>	<u>Requested Amount</u>	<u>Expenditures to Date</u>	<u>Remaining Amount</u>
\$53,000	\$35,450	\$14,348	\$3,202
Approved By: <u>A. Myers</u>			

RECOMMENDATION BY: Eric Schindler, Assistant Town Engineer

PROPOSED MOTION: Approval of proposal and award of Contract 2024-14 to Stansell Electric Company, Inc. in the amount of \$35,450.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>POVLIN</u>	<u>MEYER</u>	<u>BURNETTE</u>	<u>WHITE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____